14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8245. Also, petition of I. Mittelman & Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8246. Also, petition of the Edmund Wright-Ginsberg Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8247. By Mr. WINTER: Resolutions from the Washakie County Farm Bureau and Washakie Beet Growers' Association, urging that sugar beets and the production of sugar be included in the tariff hearings held on agricultural products; to the Committee on Ways and Means.

8248. Also, resolution by the Powell Chamber of Commerce, Powell, Wyo., urging that every possible effort toward the passage of House bill 9956 and Senate bill 2829 be made at this session of Congress; to the Committee on Irrigation and Reclamation.

SENATE

WEDNESDAY, *January 16, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty Father, from whose bosom we dropped into light, we know so little of the path we tread or where it leads, but Thou knowest all things, and in Thee is our trust.

Put to silence now our clamorous thoughts that we may be still and know that Thou art God, that Thy sheltering love enfolds us, wooing us to better things. Give us strength for our burdens, wisdom for our responsibilities, insight for our times, and faith sufficient for the larger claims, that in all our striving for the Nation's weal we may be conscious of our fellowship with Thee.

Help us thus to bear the fret of care and to keep unbroken vigil of the soul lest we trifle with life's golden opportunities or scorn its swiftly ebbing day. All of which we ask through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9200. A bill to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; and

H. R. 14659. A bill to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

MULTILATERAL PEACE TREATY—PERSONAL EXPLANATION

Mr. EDGE. Mr. President, I desire, if I may at this time, to make a short personal statement. I was unable to be present at the session of the Senate yesterday when the final vote was taken on the ratification of the Briand-Kellogg treaty and therefore, of course, am not recorded as voting. The fact is that we were inaugurating a governor in the State of New Jersey yesterday and I felt that event of sufficient importance to demand my presence. I desire to state that if I had been in the Senate yesterday I would have voted for the ratification of the treaty with or without a committee report.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; and

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

PETITIONS AND MEMORIALS

Mr. BRUCE presented letters in the nature of memorials, which were ordered to lie on the table and to be printed in the RECORD, as follows:

SANDY SPRINGS, MD., *January 7, 1929.*

CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

GENTLEMEN: It is with regret that I am compelled by press of business connected with the company of which I have been an officer for near 40 years to decline your invitation to attend your meetings tomorrow, but as evidence of my deep interest in the splendid work you are doing I inclose check for a seat at the dinner table.

May your efforts be crowned with success and the cruiser bill be defeated, postponed, or at least amended. It would show the world that America has lost not only her spiritual leadership among nations but all sense of humor if she should accompany a pact for the renunciation of war by starting to building a new lot of war vessels.

Very truly yours,

ALLAN FARQUHAR.

THE WESTMINSTER THEOLOGICAL SEMINARY,
DEPARTMENT OF BIBLICAL THEOLOGY,
Westminster, Md., January 6, 1929.

CONFERENCE ON THE CRUISER BILL,
Hotel Washington, Washington, D. C.

DEAR FRIENDS: On account of illness I shall not be able to meet in the conference on the cruiser bill on January 8.

I heartily indorse the purpose of the meeting. I am opposed to the cruiser bill and believe that the pact for renunciation of war should be ratified at once and given all possible moral support.

Sincerely,

M. J. SHROYER.

SANDY SPRINGS, MD., *January 6, 1929.*

CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

GENTLEMEN: I should like to express my interest in this conference and heartily indorse the purpose of it, believing that out of honest discussion we can become keenly alive to the world's ills and realize that it is not battleships that we need but warm friendliness with all nations, which can come about through education.

Sincerely,

MARY M. MILLER.

Mr. COPELAND presented resolutions adopted by the Council of the New York Commandery of the Naval Order of the United States, favoring the prompt passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

He also presented numerous memorials and letters and telegrams in the nature of memorials, of citizens and civic and religious organizations in the State of New York, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. FESS presented numerous resolutions adopted by women's clubs and civic and religious organizations in the State of Ohio, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of members of the Phi Gamma Mu Society of the Texas Technological College, indorsing the so-called general pact for the renunciation of war, which was ordered to lie on the table.

Mr. EDGE presented memorials and letters and telegrams in the nature of memorials of sundry citizens and organizations in the State of New Jersey, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. GILLETT presented letters and papers in the nature of memorials from sundry citizens and organizations in the State of Massachusetts, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

He also presented numerous resolutions of women's clubs and civic and religious organizations in the State of Massachusetts, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WAGNER. I ask that there may be printed in the RECORD and lie on the table resolutions received by me from the Chamber of Commerce of the Bronx, New York City, in favor of the passage of the cruiser bill.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas the Bronx Chamber of Commerce represents the business interests of a borough of 1,000,000 people, which is one of the great seaports of the world; and

Whereas prosperity and business of the Bronx is dependent to a large degree on the commerce which enters this borough under the protection of the American flag; and

Whereas the Bronx Chamber of Commerce feels that the commercial seafaring traffic of the United States needs the most adequate protection in order that traffic may never be interrupted and may be maintained in the face of any world emergency; and

Whereas there is pending before the United States Senate at the present time a bill authorizing the addition of 16 ships to the United States Navy: Therefore be it

Resolved by the Bronx Chamber of Commerce, representing a borough of 1,000,000 people, That every effort be made to pass this pending bill, authorizing 15 new cruisers and one airplane carrier to be added to the United States Navy; and be it further

Resolved, That copies of this resolution be forwarded to our Representatives in Washington, both in the Senate and the House of Representatives, and the public press.

THE MILITARY SERVICE

Mr. ROBINSON of Indiana. Mr. President, I ask unanimous consent to have printed in the RECORD a communication from the Service Club, of Indianapolis, Ind., composed of 162 members, each of whom served in the World War. I also ask that the communication may be referred to the Committee on Military Affairs.

There being no objection, the communication was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

THE SERVICE CLUB OF INDIANAPOLIS,
OFFICE OF THE SECRETARY,
January 8, 1929.

Hon. ARTHUR ROBINSON,
United States Senator, Washington, D. C.

DEAR SENATOR ROBINSON: The Service Club of Indianapolis, composed of 162 members each of whom saw service in the World War, wishes to invite your especial interest in the following matters affecting our present military affairs:

On December 5, 1928, the other branches of the Army (already too small for effective use for chessmen for reserve training and already reduced last year by about 500 enlisted men) are reduced by 536 men in order to provide for the second annual increment of the 5-year Air Corps program. The American Legion insisted at both the last two national conventions that these increments be provided without reducing the rest of the Army, already too small.

The Budget provides for 1929 summer training for 16,000 reserves. Last summer we trained 20,000, and the reserve association insists that we should train 26,000. The Budget also provides that only 40 per cent of the Reserve Officers' Training Corps students trained at summer camp last year be trained next summer. Though the number to be trained at schools is left the same, this reduction in those to be trained at summer camp reduces the number that will be fit for reserve commissions to 40 per cent of last summer's output, as the camp training is absolutely essential. This is, therefore, a serious blow at the entire reserve project and would, in the course of a number of years, result in a great decrease in the present strength of the reserve unless the appropriation is increased.

We understand that the commanding officer at Schoen Field, Indianapolis, has an order restricting the flying to be done by reserve officers there to a total of 200 flying hours for the entire fiscal year of 12 months. Each reserve officer of the Air Corps is supposed, under present Army training regulations, to fly at least 48 hours a year. There are more than 35 air reserve officers to be served by Schoen Field. They should have an allowance of 1,680 flying hours, instead of 200 hours. This inadequate number of flying hours is due to reduced appropriations and means a direct and vital blow at the strength and efficiency of our air-reserve system, and creates danger of needless deaths among reserve flying personnel through lack of sufficient flying hours to keep them in flying trim.

The Service Club vigorously protests against the continuing let down in our vital provisions for military instruction. We urge you to make every effort along the following lines:

(a) To secure appropriations for the 5-year increment of the Air Service without decreasing either the officer or enlisted personnel now assigned to other branches of the service.

(b) To increase the Budget so that next summer 26,000 reserve officers will receive summer field training.

(c) To increase the Budget so that there will be trained next summer as many Reserve Officers' Training Corps advanced students as were trained last summer.

(d) To increase appropriations so that the Air Service reserve officers throughout the country will have enough ships, gasoline, and maintenance allowances to permit every reserve officer to fly not less than 48 hours each year. This would mean for Schoen Field, Fort Benjamin Harrison, Indianapolis, that the allowance would have to be increased from 200 hours for the fiscal year to a minimum of 1,680 hours.

The Service Club will greatly appreciate it if you will communicate these views to the various committees of the Congress concerned and hope you can support the requests we make.

Respectfully yours,

THE SERVICE CLUB OF INDIANAPOLIS,
MARK E. HAMER, *President.*

DEPORTATION OF CERTAIN ALIEN SEAMEN

Mr. KING. Mr. President, the bill (S. 717) providing for the deportation of certain alien seamen, and for other purposes, has been before the Senate for some time. It passed the Senate at one time, as I recall. Since it has been on the calendar at the present session objections have been made repeatedly to its consideration.

I have here a letter from Mr. Furuseth, president and chairman of the legislative committee of the International Seamen's Union of America, which explains very clearly the provisions of the bill and the object of the measure. I think it is very instructive and will be enlightening to all Senators as well as to those who read the RECORD. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

Petition and memorial

To the honorable the Members of Congress in the Senate and House of Representatives of the United States:

On behalf of the seamen of the United States I hereby humbly submit this our petition and memorial that S. 717, "A bill to provide for the deportation of certain alien seamen, and for other purposes," introduced by Mr. KING, of Utah, be passed for the following reasons:

(a) The Chinese exclusion act passed in 1891 has been steadily, and in a constantly increasing number of instances, violated by means of substitution by young Chinese coming and aged ones desiring to return to China departing as seamen on ships.

(b) Through the smuggling into the United States of Chinese excluded by law.

(c) By smuggling narcotics into the United States in violation of law, all made profitable through the exclusion of the Chinese and the high duty on narcotics, and accomplished through the vessels, American and foreign, being permitted to come to our ports with men serving as seamen who could not under the law be admitted as immigrants for permanent residence in the United States.

Since 1917, when the act forbidding certain persons to come to the United States was passed, such excluded persons came in an increasingly large number into the United States in violation of law. They could not come as immigrants and therefore came and are coming as seamen on vessels that often carry a very much more numerous crew coming to the United States than they carry leaving the United States; because

(a) There was no distinction made between bona fide and mala fide seamen;

(b) Because there was no law of the United States providing that vessels leaving the United States should carry the same number of men in their crew as they had on arrival;

(c) Because it is possible for somebody to obtain large sums of money in a way that is easy and comparatively safe.

Chinese have paid from $1,000 to $1,100 for being landed in the United States, and excluded Europeans and South Americans paid from $200 to $400 each. As exclusion became more extensive the sums of money to be gathered by the smugglers became greater. As the quota laws reduced the number of men who could come and as the supervision became stricter the number of Europeans and South Americans smuggled in became greater and the business more profitable. These violations of law are still continuing and increasing. American consuls in Europe maintain that nothing can stop this smuggling except a thorough examination of the crews of vessels as they arrive in American ports, together with the deportation of mala fide seamen and excluded persons coming as seamen on vessels under whose flag they were not specifically born, at the expense of the vessel by which they were brought.

The purpose of this bill is to stop the violations of our immigration laws and, incidentally, to remove unfair competition from American ships and American seamen.

The evils above mentioned and the remedies which we seamen have from time to time respectfully submitted have been brought to the attention of the departments and Congress. Hearings before congressional committees on this matter date back to 1923. We made an effort to have the remedies included in the immigration bill of 1924,

but on being told that this might endanger the immigration bill we ceased our efforts.

The first objection to the bill in its present form was that it would be impossible to distinguish between a bona fide and a mala fide seaman. This contention was disposed of when Captain Petersen, who represented the shipowners and who was and is serving as their employment agent on the Pacific coast, had to admit that he and his office staff were constantly engaged in determining who is a seaman in fact and who is a pretender claiming to be one; and when Mr. Hurley, representing the department and having in charge the question of seamen in the Bureau of Immigration, stated that he could see no serious difficulties in the administration of that particular phase of the bill.

The second objection was the provision that vessels must carry away as many persons in their crews as they had on arrival and that this provision would be sure to delay the sailing of vessels. Some of the crew of a vessel might conspire to that end by leaving her lying ready to go with passengers and mail on board. The answer to that was and is that vessels which have any expectation of men leaving in the last moment always provide for men in readiness to fill the places of those who might leave. But aside from that, the present laws provide that seamen are not to leave their vessels except under order or by permission within 24 hours of the time of sailing.

The third objection was that it was contrary to treaties with foreign nations. This was answered from the State Department, stating that there were no treaties directly bearing upon it, but that the bill might for the sake of safety be amended so as not to make it compulsory to hire men in lieu of those who might be dead or in the hospital. This suggestion was taken care of by an amendment.

The fourth objection was that Americans were not willing to serve in the steward's department. The answer to this was and is that they are serving in the same kind of work in hotels, restaurants, and lodging houses throughout the country, and that what the Americans objected to was not to serve in the steward's department of vessels but to serve in the steward's department together with Asiatics doing the same kind of work, sleeping in the same room, and eating in the company of and living on equality with Asiatics.

The bill was reported to the Senate in the Sixty-ninth Congress, together with a favorable report shortly analyzing the testimony that had been given. The bill passed the Senate by unanimous consent. In the House it was referred to the Committee on Immigration and Naturalization, where it was brought up for a hearing on February 23, 1927, in which new objections were raised. The objections came from the Pacific coast in the shape of telegrams from the Dollar Steamship Co., which employs Chinese, and from the Shipowners' Association, of which Dollar is a member. The first telegram presented was addressed to the Hon. FLORENCE P. KAHN and signed by R. Stanley Dollar, and reads as follows:

"Was very much surprised to learn the other day that Senate bill 3574, known as King bill, had passed Senate. This is a very vicious piece of legislation and extremely detrimental to everybody in the foreign trade. Sincerely hope we can count on your support to defeat this bill in the House. Kindest regards."

It will be noted that the objection to the bill on the part of Mr. Dollar is general. He says: "This is a very vicious piece of legislation and extremely detrimental to everybody in the foreign trade." Mr. Dollar is here evidently speaking for foreign as well as American vessels, and he admits that it applies equally to all nations' vessels.

The second telegram from the Pacific coast was also addressed to the Hon. FLORENCE P. KAHN and signed Pacific-American Steamship Association. It reads as follows:

"Advised that King bill, Senate 3574, will be heard by House Immigration Committee 10 o'clock a. m., February 23. This bill would considerably cripple operations of American vessels engaged in offshore trades and give Japanese vessels opportunity to monopolize Pacific trade. In view of the vital importance to American shipping and commerce, we respectfully ask that you oppose this bill before House Immigration Committee."

Here you will note the expression, "This bill would considerably cripple operations of American vessels engaged in offshore trades and give Japanese vessels opportunity to monopolize Pacific trade." Here the suggestion is made that the passage of the bill would be of great advantage to the Japanese. One member of the committee from the Pacific and one from the Atlantic opposed the bill in the committee, Mr. BACON, of New York, suggesting that it would be very detrimental to Japanese, because it might seriously delay some of their vessels. It was on the principle that no white seaman would sail together with Japanese. It might well be that this bill would hit the Japanese vessels hard if their seamen should desert, but in that case, how could it possibly assist the Japanese in monopolizing the Pacific trade, as the objection runs in the telegram from the Pacific-American Steamship Association quoted above?

Japanese steamship companies, however, have consented to increase the wages of their seamen for the third time, so that now the Japanese pay more wages than the general wages paid by the French or Italians, and aside from that they are paying premiums for continuous service, specifically with a view of diminishing desertions, which during the last fiscal year, according to the report, amounted to only 70 persons.

The contention that the Japanese will have the advantage over English, Dutch, and other vessels coming to ports of the United States by being permitted to bring Orientals when other ships could not, is an idea sponsored by the Pacific-American Steamship Association, and the answer is that Japanese can bring Japanese—to prevent that would constitute an embargo—but they can not bring persons excluded for racial or other causes, and in this they are on an equality with all other nations.

Mr. Coert Du Bois, chief of the visa section of the Department of State, was present. Part of his testimony is as follows:

"From the viewpoint of our foreign relations, the worst feature is the apparent departure from the time-honored practice of considering a foreign ship in our ports as a bit of the territory of its flag. Under existing international practice, any undesirable alien arriving in a foreign port is detained aboard the ship and leaves with the ship if the government of the country considers he can not be landed under its laws. This bill violates international comity in that it proposes to enforce a domestic law by taking seamen off foreign ships in our ports—presumably by force if necessary—and sending them home on another ship. There is no doubt that this would lead to complications no matter how carefully and discreetly the provisions were enforced.

"The bill is not on its face discriminatory against any country, but since certain practices have grown up in the merchant marines of various countries its effect can not fail to be discriminatory. Take the British tramp trader, for example, which may touch its home port once in four years. Those which trade in the Indian Ocean or the Orient habitually carry Lascars or orientals in their crews. In the course of their voyaging they may get a cargo, jute, for example, for the United States. The master's alternative is to ship a new crew of white sailors, charging the difference in cost on the freight, or to refuse to accept a cargo for an American port. Multiply this instance by several hundred each year and the accumulated effect on our relations with other maritime nations is obvious. * * * It is going to be difficult to convince the British, French, or the Netherlands Governments that such a wide difference in practical effect is not discrimination in favor of the Japanese."

It will be seen that Mr. Du Bois's testimony may be divided into two aspects: First, the "international relations" in which he pleads for the continuation, or rather the restoration, of a condition gradually brought about by treaties under which a vessel visiting another sovereignty carried with her the laws of the sovereignty of the flag under which she sailed. So far as the United States is concerned, that international arrangement was abrogated on the part of the United States when the seamen's act was passed and the treaties standing in the way were abrogated. The idea that vessels might go everywhere under the law of their own sovereignty had been set aside at an earlier date by Great Britain, when laws dealing with load line, seaworthiness, and minimum manning were passed for vessels under the British flag and made applicable to all nations' vessels coming to or sailing from British ports. The international arrangement had likewise been set aside when Australia insisted that the loading and discharging of vessels in her ports was to be done according to decisions handed down by the court of arbitration under the arbitration law of Australia. Second, he says, "This bill violates international comity in that it proposes to enforce a domestic law by taking seamen off foreign ships in our ports. * * * There is no doubt that this would lead to complications, no matter how carefully and discretely the provision were enforced."

Very serious offenses against domestic law taking place in the port of another sovereignty have always come under the law of the place. It was not held that the British laws enforced upon foreign nations' vessels, either in Australia or in any other British ports, were in violation of comity, and it would be highly remarkable if domestic laws passed by the United States in order to make previous domestic laws more effective should be held to be in violation of comity.

The second aspect is a purely commercial one dealing with the disadvantages that might accrue to a foreign tramp steamer if it were to obey the laws imposed upon the like vessels carrying the flag of the United States.

When an effort is made to compel the shipping of the United States to obey domestic law, we are met by the statement that such laws are discriminatory against the United States and unpatriotic. If the laws be made applicable to all nations' vessels, American and foreign alike, we are met by the assertion that it is contrary to comity and will result in foreign complications. Nothing is done, and as a result year after year passes, the evils grow, the violations of law become more flagrant, and the disadvantages to the United States become more pronounced, yet nothing can be done because we are impaled upon one of the two horns of this dilemma.

The report of the Commissioner of Immigration for 1928 says that 12,357 seamen deserted their vessels in ports of the United States during the fiscal year. That is the report which foreign shipmasters have submitted to the Immigration Service in our different seaports. When such reports were checked by examining the reports made by

the same master to their own consulates in New York it was found that the number of desertions was very much greater than was reported to our Immigration Commissioner, in some instances up to 40 per cent greater. During the same fiscal year 17,272 were held on board their vessels, which, if they were bona fide seamen, was contrary to law and the Constitution of the United States (thirteenth amendment); 3,295 were not on the crew lists (evidently stowaways); and 448 were placed in immigration stations, to be placed again on the vessels, also against law; and if they were in fact seamen, they could, if they had any friends, have been released on habeas corpus. Thus the innocent are punished in place of the guilty.

If this open side door is permitted to stand open, the number of excluded aliens coming as seamen, when they are in fact immigrants, together with the number of those smuggled in by the vessels coming from foreign ports to ports of the United States, will ultimately grow to be greater than the number that may come legally according to the immigration law of 1924.

The Annual Report of the Commissioner General of Immigration for 1928 contains the following warning about the situation into which this country at present is drifting. It reads as follows:

"Seamen: As indicated in the last annual report, the trouble confronting the service in the control of alien seamen is the most difficult and vexatious with which it has to deal. As the immigration laws have been tightened up from time to time, the problem has been correspondingly accentuated. Particularly is this true since the adoption of the numerical limitation policy as expressed by the acts of 1921 and 1924. As has been previously pointed out, seamen occupy a privileged position in the scheme of things; commerce must not be unduly hampered; seamen come and go largely at will; and the crux of the problem is to prevent aliens gaining a foothold in this country in the guise of seamen."

The report on the King bill (S. 717), "A bill to provide for the deportation of certain alien seamen, and for other purposes," is No. 1037, first session Seventieth Congress. There is no minority report. The bill is on the calendar.

Your petitioners humbly pray that the bill may be given consideration by the Senate at the earliest possible time, in order that, if it shall pass, the House may have an opportunity to act on it during this session.

On behalf of all the seamen.

Most respectfully submitted.

ANDREW FURUSETH,
President and Chairman of the Legislative Committee of the International Seamen's Union of America.

APPROPRIATIONS FOR THE AGRICULTURAL DEPARTMENT

Mr. McNARY. Mr. President, from the Committee on Appropriations I desire to report back favorably with amendments the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1449) thereon. I ask that the report be printed and the bill go to the calendar. At an early opportunity I shall ask the Senate to consider the bill.

The VICE PRESIDENT. The bill will be placed on the calendar and the report will be printed under the rule.

TUBERCULAR INFECTION OF ANIMALS

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate Resolution 290, submitted by Mr. MOSES on the 7th instant, reported it favorably without amendment and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 25,000 additional copies of Senate Document No. 85, Seventieth Congress, entitled "Tubercular Infection of Animals," be printed for the use of the Joint Committee on Printing.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 5379) to authorize the disposition of certain public lands in the State of Nevada; to the Committee on Public Lands and Surveys.

By Mr. KENDRICK:

A bill (S. 5380) granting a pension to Beuford Skinner; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 5381) relating to the separation of employees from the classified civil service; to the Committee on Civil Service.

A bill (S. 5382) granting an increase of pension to Mary E. Jones;

A bill (S. 5383) granting an increase of pension to Harriet Brones (with accompanying papers); and

A bill (S. 5384) granting an increase of pension to Cassie E. Ramsey (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5385) granting a pension to Elizabeth Ockel; to the Committee on Pensions.

By Mr. BLACK:

A bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms; to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 5387) granting a pension to Joseph I. Earl; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 5388) granting an increase of pension to Peter E. Cleary; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 5389) for the relief of Charles G. Eldredge; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 5390) granting an increase of pension to Minnie D. Fogg (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5391) granting an increase of pension to Nancy J. Hooker (with accompanying papers); to the Committee on Pensions.

A bill (S. 5392) for the relief of William H. Startup; to the Committee on Claims.

By Mr. REED of Missouri:

A bill (S. 5393) granting an increase of pension to Caroline B. Bauduy (with accompanying papers); to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 5394) to provide for the erection of a monument at the United States Military Academy, West Point, N. Y., in commemoration of the life and services of the late Gen. James Harrison Wilson, a veteran of the Civil War, Spanish War, and the Boxer rebellion; to the Committee on Military Affairs.

By Mr. BINGHAM:

A bill (S. 5395) to authorize enlisted men of the Coast Guard to count service in the Marine Corps for the purposes of longevity pay (with an accompanying paper); to the Committee on Commerce.

By Mr. STEIWER:

A bill (S. 5396) authorizing the construction of a canal for the diversion within the city of Klamath Falls, Oreg., of the main canal of the Klamath project; to the Committee on Irrigation and Reclamation.

By Mr. HAYDEN:

A bill (S. 5397) to credit certain officers of the Army with service at the United States Military Academy; to the Committee on Military Affairs.

By Mr. FESS:

A bill (S. 5398) for the relief of Hans Roehl; to the Committee on Claims.

By Mr. CAPPER:

A joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929; to the Committee on the District of Columbia.

AMENDMENT OF CENSUS BILL

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the

fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE OFFICE OF ATTORNEY GENERAL

The PRESIDING OFFICER (Mr. McKELLAR in the chair) laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Judiciary:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a manuscript entitled "Origin and Development of the Office of Attorney General, the Establishment of the Department of Justice, and Their Relation to the Judicial System of the United States," which has been prepared in the office of the Attorney General.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 16, 1929.*

CASUALTIES IN ARMY AND NAVY AVIATION

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 296) submitted by Mr. COPELAND on the 14th instant, coming over from a previous day, which was read, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy be requested to transmit to the Senate a list of fatalities in the aviation service of the Army and Navy during the past five years, the causes for each accident, and what, if anything, is needed in the way of legislation or appropriation to make safe and more efficient this important arm of the naval and military service.

Mr. COPELAND. Mr. President, I trust there will be no opposition to the resolution.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

LEASING OF CUMBERLAND FALLS FOR POWER PURPOSES

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 297) submitted by Mr. NYE on the 14th instant, coming over from a previous day.

Mr. NYE. Mr. President, I have no objection to the preamble being stricken out.

Mr. CURTIS. Mr. President, if the preamble is eliminated I believe there is no objection to the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Power Commission be, and it is hereby, directed to transmit to the Senate all protests of individuals, organizations, and public officials which it may have received in opposition to the leasing of Cumberland Falls for power development or to the participation of the Hon. Roy O. West in the consideration of this and other leases.

The VICE PRESIDENT. Without objection, the preamble is stricken out.

PRINTING OF BRIEFS IN RAILROAD VALUATION CASE

Mr. NORRIS. Mr. President, yesterday the Senator from Minnesota [Mr. SHIPSTEAD] made a request for the immediate consideration of Senate Concurrent Resolution 31, reported by him from the Committee on Printing on the 12th instant. The Senator is not in the Chamber now. Consideration of the resolution was objected to at the time. I have been told that the objection will not be made this morning.

Mr. MOSES. That is the resolution providing for the printing of briefs in the O'Fallon case?

Mr. NORRIS. It is.

Mr. SMOOT. There is no objection if the words "and bound" are stricken out.

Mr. MOSES. In view of the fact that it is the purpose to sell copies from the Government Printing Office I inquire whether some provision ought not to be made for bound copies?

Mr. SMOOT. That is already provided for.

Mr. MOSES. Yes; under the general statute.

Mr. SMOOT. They can do it without a special authorization.

Mr. NORRIS. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. SMOOT. I am not going to object, because when the request was submitted yesterday there was only one objection. I do not know whether the Senator from South Carolina [Mr. BLEASE] is going to object to-day or not. However, if the resolution is to lead to any debate whatever, I certainly can not consent to its consideration.

Mr. NORRIS. I do not think it will.

Mr. SMOOT. I have no objection to the consideration of the resolution, but I certainly hope there will be no discussion.

There being no objection, the Senate proceeded to consider the resolution (S. Con. Res. 31), and it was read.

Mr. KING. Mr. President, I should like to inquire whether the provision requiring that the briefs shall be bound is still in the resolution?

Mr. NORRIS. That is to be stricken out. I move that those words be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, strike out the words "and bound," so as to make the concurrent resolution read:

Resolved, etc., That the briefs of counsel and the transcript of record filed with the Supreme Court of the United States in the case of the St. Louis & O'Fallon Railway Co. and Manufacturers' Railway Co., appellants, *v.* The United States of America and the Interstate Commerce Commission, be printed as a Senate document, and that 700 additional copies shall be printed, of which 100 shall be for the use of the Committee on Interstate Commerce of the Senate, 100 copies for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives, and 500 copies for the use of the Joint Committee on Printing.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I ask that the conference report on the Interior Department appropriation bill be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the Interior Department appropriation bill, which will be read.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 17, 19, 22, 23, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, 8, 14, 18, 21, 25, 27, 32, 34, and 38, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment after the word "Service" insert the following: "to be equipped and maintained by the State of Arizona"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "for the purchase of additional lands, $20,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$297,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,889,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,658,600"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,520,100"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,437,550"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for

the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project, $230,000; in all, $236,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For operation and maintenance, $20,000; for continuation of construction, $1,112,000: *Provided*, That the unexpended balance of $138,000 of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. 277) shall remain available during the fiscal year 1930 for such continuation of construction; in all, $1,132,000."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,978,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$157,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,400"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$219,400"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 20, 30, 39, 40, and 41.

REED SMOOT,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.
LOUIS C. CRAMTON,
FRANK MURPHY,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SMOOT. Mr. President, both Senators from Montana desire to speak upon two of the amendments that are in disagreement. I ask that they be given an opportunity to do so before action is taken on the conference report.

MISSISSIPPI RIVER BRIDGE AT NATCHEZ, MISS.

Mr. STEPHENS. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1458, being the bill (S. 5240) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.

Mr. CURTIS. Mr. President, may I ask if the bill is in the regular form?

Mr. STEPHENS. There are two letters set forth in the report, one from the Secretary of War and one from some other authority, both sustaining the measure. The bill has been amended in accordance with the suggestion of the Secretary of War.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "Congress," to insert the words "approved May 3, 1926"; on page 2, line 1, to strike out the words "approved May 3, 1926"; and on page 2, line 2, to strike out the words "three years from the date of approval hereof" and insert in lieu thereof the words "to May 3, 1931," so as to make the bill read:

Be it enacted, etc., That the time for completing the construction of the bridge across the Mississippi River at or near the city of Natchez, Miss., authorized by the act of Congress approved May 3, 1926, entitled "An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.," be, and the same is hereby, extended to May 3, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RATING AIR SCHOOLS

Mr. BROOKHART. Mr. President, I ask leave to have printed in the RECORD an editorial from the Des Moines Register entitled "Rating Air Schools." I ask that the editorial may be referred to the Committee on Commerce and printed in the RECORD.

There being no objection, the editorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

[From the Des Moines (Iowa) Register, January 14, 1929]

RATING AIR SCHOOLS

Senator BINGHAM, of Connecticut, has introduced a bill behind which it can be assumed the National Aeronautic Association stands, since the Senator is president of the association, which would put aeronautic schools under a rating system, with the Federal Department of Commerce doing the rating. His bill is in the form of an amendment to the air commerce act of 1926, and would provide simply for annual examination of all civilian flying schools and rating as to (1) the adequacy of the course of instruction; (2) the suitability and airworthiness of planes and other equipment used; and (3) the competency of instructors.

The bill ought to pass. Throughout the whole country there are thousands of young people who within a year or two will take flying courses. Some of them have already determined upon that. Others may not yet have seriously considered it. Many are too young now at least to get parental consent but will be old enough in a year or two.

These thousands of young people, not to mention some of their elders, for the most part know little yet about what a flying school ought to be. Since poor or inadequate instruction is in itself dangerous and leads to danger, and since that kind of instruction is no preparation at all for a vocation, which is what many will be heading toward, there should be some kind of reliable rating provided in their legitimate interest. Under existing law certain steps have already been taken, but an actual rating of schools is not explicitly authorized.

The public should understand that up to now there have been a few good civilian schools, a good many fair ones, many others that want to raise standards, and some, unfortunately, that can only be compared with the rankest kind of "diploma mills" that used to turn out pseudo doctors and other professional men—with the additional factor now of danger to the graduates turned out.

Official rating of aeronautic schools would not at all need to eliminate the revenue of the lone, competent aviator with an airworthy ship who wished to teach flying; but it would, of course, direct to the large and well-equipped schools, with very comprehensive courses, most of those who definitely want to be trained for flying as a vocation. It doubtless would mean a good deal to the elaborately equipped and financed high-grade schools; but that is precisely the effect of prestige in every educational field. It would compel many fairly good but small or beginning schools, to build better courses, hire better instructors, and own better equipment if they wished to grow.

Ten years hence rating of air schools might be superfluous. By then people will be pretty well educated to what is essential. People are not yet so educated. And the lives and money of those going into aviation are fairly entitled to the governmental protection that Senator BINGHAM'S bill proposes.

UNITED STATES COURT OF ADMINISTRATIVE JUSTICE (S. DOC. NO. 204)

Mr. NORRIS. Mr. President, on January 3 I introduced a bill providing for the establishment of a new court, and I then made some remarks in reference to it. I have here two articles which have been printed in the Georgetown Law Journal, written by Mr. O. R. McGuire, that bear very materially on that bill; and in order to carry out the purpose that I then noted I had in view, I ask unanimous consent that these articles may be printed in the RECORD.

Mr. BINGHAM. Mr. President, will not the Senator from Nebraska change his request and ask that the article which he has presented may be printed as a public document instead of being printed in the RECORD? My reason for asking him to do so is that if the articles be printed in the RECORD the type will be so small that it will be very difficult to read them; indeed, very few people will read the articles if printed in the RECORD; but if printed as a public document they may be easily read by anyone interested. If the articles be printed as a public document, the Senator from Nebraska can obtain whatever copies he may need, and to print them in that shape will cost less.

Mr. NORRIS. I have no objection that I am aware of to the Senator's suggestion, except that when an article is printed only as a public document it is soon exhausted, and many of those who make inquiries and desire to obtain copies of it are not able to do so. However, I will yield to the Senator's suggestion, and ask that the articles may be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF CRUISERS

Mr. SWANSON. Mr. President, I purpose, in accordance with the notice I gave on yesterday, to deliver an address in behalf of the cruiser bill now pending in the Senate, which has been reported by the Committee on Naval Affairs, of which I am a member. I hope I may be permitted to proceed at first without interruption, as I desire to make my address in as logical and connected form as possible. After I shall have concluded my remarks, I shall be very glad and pleased, indeed, to reply to any inquiries or suggestions that may be made by any Senator.

Mr. President, the necessity for an increase of our Navy is greater at this time than ever before in our history. The United States has become the greatest economic, commercial, financial, and political unit in the world. Her wealth far exceeds that of any other nation. We have become the world's greatest creditor nation. Our public and private loans have been extended to almost every continent and country.

The foreign trade of the United States in 1927 amounted to $9,000,000,000, of which about $8,000,000,000 were transported across the seas. In addition to this, the coastal, water-borne trade of the United States for the same year amounted to over $6,000,000,000. Thus, Mr. President, there are $14,000,000,000 annually of trade upon the seas for the proper protection of which this Government is responsible; it is an obligation which this Government can not shirk. The prosperity, the high standard of living, the contentment and betterment of the people of the United States are dependent upon the continuance and further development of this immense sea-borne trade and commerce. Any interruption would bring financial distress, business stagnation, and hardship to every section and industry in this great country.

The mines, the factories, the farms in the interior of our country are as much interested in and as much dependent upon the continuance and further growth of this great commerce upon the seas as are those who live on the seacoast. The cessation of this vast commerce would be as disastrous to the cotton-growing sections of the South and the wheat and corn growing sections of the Middle West and Northwest, the mining sections of the West, and the manufacturing establishments of the East as it would be to the port cities of the Atlantic, Gulf, and Pacific. The security and further development of this commerce are inseparably interwoven with the progress and prosperity of every section of the United States. In tonnage this commerce amounts to 2½ tons of goods for every man, woman, and child in this country. Nothing is more worthy of our serious thought than the security and development of this commerce.

The security and development of our commerce is dependent upon ships. The ships of which I speak are of two general classes—merchant ships and naval ships. Before discussing the necessity for naval ships as provided for in the pending bill, I wish to give some consideration to our need for merchant ships.

Mr. President, some maintain we need not worry about the transportation of our goods upon the seas so long as foreign ships are willing to carry them. I can not agree as to the wisdom of this policy. Our foreign commerce will be seriously handicapped and injured if we are left dependent upon our competitors for the delivery of our goods. How long would a department store in a city survive competition if it should rely upon a competitor department store to make the delivery of its goods sold to customers? The department store that made the delivery of the goods to the customers of both would very soon drive the nondelivering store out of business. This will inevitably be our situation if we do not provide merchant ships ample to transport our goods across the seas.

Under our law all the coastal trade is confined to American ships, and about 36 per cent of our foreign commerce is carried by American ships. We must develop our merchant marine until it is sufficient to furnish transportation for 50 per cent of our foreign commerce, which is as large a percentage, perhaps, as any nation could really develop in carrying its own goods. It is a prime necessity that we possess an adequate merchant marine in order to further our interests in foreign ports and push our goods as no foreign carrier can or will do.

In 1914 our total trade with South America was $347,000,000. Since that date we have established lines of American-flag ships to South America, with the result that in 1927 our South American trade had increased to $1,000,000,000, an increase of 188 per cent. Prior to the World War our trade with Asia was less than $380,000,000 a year. Following that war, seven American ship lines were established on routes to Asia, with the result that in 1927 our trade with Asia had increased to $1,800,000,000, an increase of nearly 380 per cent. Subsequent to the World War we established American ship lines to Africa, with the result that American trade with that great continent increased from $47,000,000 a year to $200,000,000 a year, an increase of about 325 per cent.

These figures prove beyond controversy that American trade and commerce rapidly increase with American owned and operated ships. This justifies the policy for the creation of an American merchant marine adequate to handle our foreign commerce. Until this is done, American foreign commerce is insecure and its further development will be seriously retarded. At the last session of the Congress we passed a shipping bill which we hope will result in the creation of an American merchant marine sufficient for our trade and commerce. Such a merchant marine in addition is necessary for the efficient operation and support of our Navy in time of national emergencies. However strong the American Navy may be, without a merchant marine in time of war or in time of distress and emergency its ability as a fighting force is reduced, I should say, more than 50 per cent.

Mr. President, in order to reach a conclusion as to the Navy needed to protect our commerce we must ascertain where this commerce is carried. Our commerce is world-wide, it goes over every sea and to all ports. We now have in operation 103 lines of American-flag ships on the Atlantic and Pacific Oceans. There are four great sea channels for our shipping. One crosses the Atlantic to Europe, one goes around South America, one along our coast from Maine to Alaska, and one across the Pacific Ocean to the continents of Asia and Australia. These great sea routes divide themselves as they approach the transoceanic areas so as to cover every important port in those areas, and are reinforced by the American tramp steamers that do not travel a fixed service. We have less important commercial routes extending into the Indian Ocean, but we hope to expand them and make them larger and better and more effective for our commerce in that populous section of the world. Thus American ships go to every continent and to every important port in the world. The sea routes traveled traverse every sea and ocean in the world.

A navy is needed to protect these ships and guard these routes, so there may be no interruption in the flow of our foreign commerce. The development of our Navy for this purpose is almost as important as is the local defense of our territory. If this commerce is amply protected, it means the complete defense of our home territory, and also our varied foreign interests. If this commerce on the seas should be interrupted at any time, it would mean that the vast population of our port cities would suffer greatly reduced employment. It would mean that many of our mines would be closed for lack of sale of their products. It would mean that agricultural products would accumulate in barns and granaries without opportunity for sale. It would mean that many factories in all sections of the United States would close on account of lack of demand for their goods.

We must be prepared to protect this commerce and let it continue to flow, even if we should be engaged in war. If other nations should be engaged in war and we were neutral we must be prepared to protect this commerce free from unlawful interruption by others. Our legitimate commerce and lawful rights on the high seas must be protected from lawless hands that would destroy it for their own selfish purposes. Our national safety and our national progress demand that the United States should have a navy adequate at all times to accomplish this.

No one can foretell when an emergency will arise requiring the protection of these vital interests. Wars do not come now, as formerly, after long and protracted negotiations and disagreements. The advantages of swift, sudden movements and activities are so great that when wars come they come now like thunderbolts from a clear sky. The Japanese-Russian War and the World War both came with lightninglike swiftness and suddenness.

Navies can not be constructed swiftly and immediately, as soldiers can be drilled and massed. It takes years to design and construct naval ships, equip them, train and make efficient the personnel. Hence the entire complexion of naval warfare is determined largely by naval forces existing at the beginning of a war. Naval supremacy may be won or lost early after the commencement of war, and, if once lost, can hardly be regained.

The amazing genius, the tireless energy, the boundless resources at the command of Napoleon, gained by his domination of Europe, were unable to build a fleet sufficient to challenge

England's supremacy on the sea, which she had earlier established. Sea power must exist at the beginning of a war, or else it is never acquired. Hence, the United States should have a navy adequate for these purposes.

Mr. President, the question is presented for determination as to what is an adequate Navy for the United States. The United States Government, after carefully considering her great commerce on the seas, her probable economic and political destiny, her international obligation to protect the Panama Canal at all times, and give all nations the right of passage in peace or war, has reached the conclusion that we should have a Navy second to none. We established this as a definite policy at the Washington conference in 1921. At this conference we entered into an agreement with Great Britain and Japan by which it was thought the sea power of these respective nations would be established upon the ratio of 5 for the United States, 5 for Great Britain, and 3 for Japan. It was believed generally at that time that the United States and Great Britain had come to an understanding that the two Nations would abandon a competitive policy and accept substantial naval equality. It was believed that the agreement reached at this conference would accomplish this purpose. Unless this had been the understanding the treaty resulting from the conference would not have been ratified by the Senate. In order to stop competition in naval armaments, with the ill feeling thereby engendered, and the possibilities of rupture and war, the United States agreed to stop competition and surrender the naval supremacy it possessed and to accept naval equality with Great Britain.

When this agreement was entered into the United States had under construction 76 new ships of various types and in various stages of completion, including powerful battleships and battle cruisers. The completion of these ships, many of which were very near completion, would have given the United States a Navy which I believe would have been superior to the combined fleets of the world. Among these ships under construction were six large battle cruisers, whose size, speed, and armament would have enabled them to sweep and control the seas and its commerce. In order to attain the equality with Great Britain contemplated in the Washington conference the United States was compelled to scrap these and other ships, at a loss of about $175,000,000.

In other words, we surrendered naval supremacy and scrapped $175,000,000 worth of ships—ships upon which that amount had been expended—to stop competition, and to retain naval equality with Great Britain. Under this agreement Great Britain sacrificed in new construction about $2,600,000. Japan's sacrifice in new construction was estimated at $38,000,000. This shows the sacrifice made by the United States in order to put her on an equality with Great Britain, and with a ratio of 5 to 3 with Japan. No other nation made so great a sacrifice at the Washington conference in order to realize the policy adopted. I take the position that the United States made a wonderful, vast, and far-reaching sacrifice when it surrendered naval supremacy to obtain naval equality and prevent naval competition.

Mr. President, there is another matter that I want to call to the attention of the Senate which is as striking and far-reaching in this matter as the sacrifice made by the United States to prevent naval competition.

The ratio of 5 for Great Britain and 5 for the United States and 3 for Japan was supplemented by a promise on the part of the United States not further to fortify or increase the efficiency of her naval bases in Samoa and the Philippine Islands. Great Britain was left with all her naval bases and with the privilege of creating a great naval base at Singapore, which she is now rapidly building and fortifying. The naval bases of Great Britain were left undisturbed. Those bases are scattered in every part of the world, as so strikingly shown to the Senate by the senior Senator from Missouri [Mr. REED] in his speech of a few days ago. One had only to look at that map to see the sacrifices we made in the western Pacific in order to secure naval equality and to abandon naval competition.

The naval bases of Japan were left practically undisturbed by the treaty, and we were left in the Pacific with practically no adequate naval base except at Hawaii and our continental ports. The agreement to this ratio for naval vessels between the United States, Great Britain, and Japan was based upon this agreement in connection with naval bases. They were part of one and the same agreement—ratios of 5 to 5 and 5 to 3—with an agreement in connection with naval bases which was thought to be added to protect the rights and interests of all three nations and prevent competition.

Mr. President, these ratios can not be altered in any respect without severly jeopardizing not only our possessions and commerce in the Pacific and the Panama Canal but also our immense commerce scattered in all parts of the world.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. SWANSON. I do.

Mr. REED of Missouri. I do not want to interrupt the Senator further than to inquire whether he intends to discuss the fact that a 5 to 5 basis between the United States and Great Britain in itself gives to the British Empire an immense advantage on account of her stations?

Mr. SWANSON. I may do so later; but I should prefer answering any questions the Senator may suggest after I finish my address. I desire to make it as logical and connected as I can.

These ratios, I repeat—5 to 5 and 5 to 3, with the agreement in connection with naval bases—can not be altered without jeopardizing the commerce and safety of the United States in the Pacific and the Panama Canal, and our possessions in the Philippine Islands and Samoa. I want the Senate distinctly to understand that the ratio was fixed in consideration of our agreeing to make no further fortification of our great naval base at Manila and our base at Samoa, and we were left on this basis of 5 to 5 to 3, which was thought to be adequate.

In fixing the ratio contained in the Washington treaty, the naval bases of Great Britain and Japan were fully considered. On account of Japan's many naval bases in the western Pacific, her proximity to China and the Asiatic coast, the ratio of 5 to 3 was considered adequate for the full protection of Japan and her commerce. In other words, a basis of 5 to 3, with the United States not fortifying Manila, was considered adequate for the protection of Japan, and with a fleet ratio of 5 to 3 we thought we were adequately protected, with a navy sufficient to protect the Philippine Islands.

The ratio of 5 to 5 between Great Britain and the United States was considered adequate for the protection alike of the extended commerce and possessions of Great Britain and those of the United States; and I believe in carrying out in spirit and substance the agreement reached at the Washington conference and the implied understandings arising therefrom. I believe the best interests of the United States and Great Britain and the world will be achieved by substantial equality in the navies of Great Britain and the United States. When this is accomplished fairly and substantially the apprehensions existing in each nation regarding the purposes and intentions of each to the other will disappear and the two nations will become firm in friendship, and I believe the peaceful relations which have so long existed between them will continue; and this will be most conducive to world peace.

If the United States and Great Britain enter into competition in naval armament, it will inevitably lead to friction, unrest, and apprehension. This would be a great misfortune to both the United States and Great Britain and might result in an alignment on one side or the other of other naval powers.

Equality of naval strength between these two nations will be the best guarantee of future good will and a continuation of peace between the two nations. With naval equality existing, neither can afford to be arrogant in demands or reckless in conduct toward the other. Neither can afford to be exacting in its own demands and neglectful of the rights of the other. With mutual respect and esteem occasioned by equal naval power, friendship and good will will be fixed on a firm basis. No reckless, ambitious government in either country would dare to jeopardize the future of either country by making arrogant demands or reckless ventures in diplomacy or war.

Thus, I am persuaded that the best interests of the United States and Great Britain will result from equal naval strength between the two nations. The United States has consistently in her negotiations been willing to accept this equality. The difficulty of reaching an agreement for substantial naval equality has been with Great Britain and not the United States. The Washington conference limited the ratio of 5–5–3 to battleships and aircraft carriers, but prohibited the construction of any naval ship larger than 10,000 tons. Thus the Washington conference still permits the unlimited construction of submarines, destroyers, and cruisers of a tonnage less than 10,000. No agreement could be reached at the Washington conference as to this character of ships on account of the opposition, it was understood, of other nations than Great Britain and Japan. The Washington conference thus resulted in only a limited agreement for disarmament. The results of the conference have proven most unsatisfactory to the United States. The result has been that she surrendered naval supremacy and has

become only a second-rate naval power, some claim only a third-rate naval power. Our Navy is to-day small and inferior to that of Great Britain, and we would be at a great disadvantage if any conflict should arise between Great Britain and the United States.

Mr. President, we will examine and see how this great inequality has been accomplished. The Washington treaty in connection with battleships has been complied with by each Government party to it. Battleships constitute the backbone of a navy and are its real fighting power, but its efficiency is dependent on cruisers to furnish supplies, protect lines of communication, and obtain information upon which naval strategy is absolutely dependent. A fleet without an adequate supply of cruisers has its efficiency as a fighting force tremendously reduced.

I want to say, in passing, that a great many people believe we should have the greatest number of aircraft in the world, no battleships, and no cruisers. Others believe that we should have the greatest number of submarines and no battleships and no cruisers.

The object of the Navy is to control the surface of the sea, to control it for commerce, to control it for trade, to control it so that the cotton of the South, the wheat and corn of the West, the products of our mines and factories can find access to all the markets of the world unrestrained and untrammeled by lawless hands.

Aircraft are one of the elements for the control of the surface of the sea. We can not export $14,000,000,000 worth of goods by air, but aircraft are one of the elements in helping us to control the surface of the sea. We can not transport $16,000,000,000 worth of goods under the sea in submarines, but submarines are potential as an arm to enable us to get control of the surface of the sea so that commerce can go back and forth without interruption.

If a navy were confined simply to aircraft and submarines, it might hurt the commerce of other nations; but the sea would be closed to the commerce of the country with such a navy, and this great Nation can not afford to have such a thing happen—the sea closed to its commerce—either in time of peace or in time of war.

As I have said, cruisers are necessary to protect lines of communication, to obtain information for use in naval strategy. Without proper cruisers a fleet is helpless and defenseless, and its efficiency reduced more than 50 per cent. A fleet without an adequate supply of cruisers is at a great disadvantage in battles and in the protection of commerce and in defending our country's ports and seacoast.

The greatest defect in our Navy is lack of cruisers to aid the fleet and protect American commerce in times of emergency. Let us see who is responsible for the great superiority of the British Navy over the American Navy, and where lies the race for competition. At the time of the Washington conference the cruiser situation was as follows: The United States had a total cruiser strength, built and building, of 33 cruisers with a total tonnage of 257,625 tons. All but 4 of these cruisers were less than 20 years of age.

I want to show now why an age limit is important. Some naval ships run 25 or 30 years, or possibly more, but no cruiser, with its rapidity of movement, with its machinery built for speed, and with its armament, would be considered of use in battle or naval emergency after 20 or 25 years.

As I have said, at the time of the Washington conference we had 257,000 tons of cruisers under 20 years of age. Great Britain had at that time built and building 62 cruisers, less than 20 years of age, with a total tonnage of 338,170. Great Britain had in addition certain cruisers which were listed as obsolete and for sale. It will be noted that the ratio of cruiser strength in tonnage was 5 for the United States and 6.6 for Great Britain. While this was a disparity in favor of Great Britain, it was not as marked as to-day. Besides, this disparity was to some extent reduced by our superiority in destroyers.

It has been the experience of many years that the life of a cruiser is 20 years, after which time it is practically obsolete and almost useless as a fighting force. Modern improvements in naval construction and armament are so rapid that after a cruiser is 20 years of age it is hardly worth repairing and keeping as a part of a navy.

The United States to-day has 22 cruisers, commencing with the *Rochester*, built in 1893, to the *Missoula*, built in 1908, with a total tonnage of 178,425, and an average age of 25 years. These cruisers are not effective as a part of our Navy, and it will be a waste of money to keep them in repair for naval uses. Great Britain has no cruiser in her navy built before 1911, and thus her cruiser strength is free from obsolete vessels and is modern and up to date in construction, machinery, and armament. At this time the United States has 10 modern cruisers with an aggregate tonnage of 75,000 tons. Six of these cruisers were built in 1923, 3 in 1924, and 1, the *Memphis*, in 1925. Thus the United States built but 10 cruisers between 1908 and 1923. For 15 years this important arm of the Navy was woefully neglected.

Great Britain now has 51 cruisers completed since 1911, of a total aggregate tonnage of 269,190. Thus at the present time the cruiser strength of the British Navy is three and one-half times greater than the cruiser strength of the American Navy. This makes the British Navy vastly superior to the American Navy and leaves American commerce, which can only be protected by cruisers, completely at the mercy of the British Navy.

The United States has authorized and has appropriated money for the construction of eight additional cruisers with an aggregate tonnage of 80,000. Great Britain has authorized and appropriated for 12 additional cruisers, with an aggregate tonnage of 116,600. Thus when all cruisers authorized and appropriated for have been constructed, the modern real cruiser strength of the United States will be 155,000 tons and that of Great Britain 385,790 tons. This will give Great Britain a cruiser strength in the ratio of 13 for Great Britain and 5 for the United States.

In addition to this cruiser program Great Britain has 5 cruisers of an estimated tonnage of 42,000 authorized to be laid down in 1928 and 1929. The cruiser tonnages here given do not include the three cruisers, whose construction was postponed or abandoned.

Eliminating the obsolete cruisers possessed by Japan, this country has built since 1919, 21 modern cruisers, with an aggregate tonnage of 116,205. Japan has authorized and appropriated for the construction of eight modern cruisers with an aggregate tonnage of 80,000. Thus, Japan has modern cruisers, built, authorized, and appropriated for, of an aggregate tonnage of 215,155. In addition Japan has four cruisers still within the age limit of 20 years built prior to the Washington conference. Thus, Japan in cruiser strength has not only passed the ratio of 5 to 3, established at the Washington conference as the proper ratio, but has reached the ratio of 1.3 for 1 for the United States.

Considering the abandonment of our bases in Samoa and the Philippine Islands, Japan's Navy will be superior to our Navy in the western Pacific, and any effort on our part to protect our commerce and possessions under existing naval conditions would be almost futile. This deplorable condition of our Navy has arisen from our failure for 15 years to build any cruisers. It is useless to try to disguise the fact that the American Navy is not now sufficient to answer the needs of American interests and to respond to the demands for the safety and security of our commerce and possessions. Our hold upon the Panama Canal and our great interests there is no stronger than is the American Navy. In order to make these secure America must have naval equality with any nation, and that navy must be supported especially by cruisers to keep open our communications, supplies, and information, and to prevent raids upon commerce going through the canal. This is especially important from the fact that Great Britain possesses important naval bases near the Panama Canal.

Mr. President, we should remember further that we have an international obligation by treaty with all nations, pledging that the canal shall be open in times of peace and war alike to all nations. We will be powerless to discharge this obligation unless we have a navy equal to that of any nation. The trade, commerce, and best interests of all nations demand that the United States should fulfill this obligation. Failure to do so will be a national disgrace which this great Nation should never endure. All nations in the world are thus deeply interested in the United States having an adequate navy to fully discharge this international obligation, which can only be done by the possession of a navy equal to that of any nation. The immense commerce passing through this canal, exchanging commodities between the Atlantic and Pacific also demands that this canal be open and free and not hampered or threatened by the navy of any nation.

These considerations demand the construction of modern cruisers to increase the strength of our Navy and make it meet the ratio of 5 to 5 with Great Britain and 5 to 3 with Japan as contemplated at the Washington conference. If there has been competition in naval armament that jeopardizes the friendly relations of nations, such competition has been occasioned by others and not by the United States. We have patiently waited, vainly hoping that the ratios contemplated at the Washington conference would be respected by the nations participating therein and be extended to all classes of naval vessels. We only commenced building cruisers recently when we began to realize our Navy was becoming vastly insufficient as

compared with others and our rights upon the seas, our commerce, and foreign possessions were left dependent on the good will of other nations. We have been at a loss to understand why some nations, if they possess the friendship and good will they claim for the United States, are so feverishly and rapidly building cruisers far in excess of those we possess in order to establish supremacy on the sea and to make effective then their will and decisions.

We realize in time of peace that all commerce from whatever source flows free and without interruption. It is only in time of war, and blockades incident to war, that trade and commerce are interfered with. Neither the United States, Great Britain, or Japan need navies except in time of war.

The British Navy is superior to all navies of the world combined, excluding the Navy of the United States. We can not understand why Great Britain should add to her navy so many cruisers except for the purpose of establishing naval supremacy against us. This supremacy is only needed in time of war or apprehended war. It is only needed to establish her control of the sea and her commerce whenever her interests may so dictate.

If no war is ever apprehended with us, then this supremacy can only be desired by Great Britain in case she is at war and we are neutral for the purpose of controlling our commerce upon the sea. She desires to be mistress of the sea as she has been for centuries and to make her will the law of the seas. I am unwilling, either by treaty, by agreement, or by failure to have an adequate navy, to concede this right to Great Britain. The sea is the common heritage of all nations and to be ruled by international law and agreements, and not subject to the will of any one nation. The best interests of Great Britain and the United States demand between these two nations navies of substantially equal strength so that neither can arrogate to itself the power of controlling the seas and its vast commerce.

If any government must be supreme upon the seas and no agreement for limitation of naval armament can be made, I, as a patriotic American, favor the United States Navy being superior to all others. I will trust this vast power and responsibility more willingly to the United States than to another nation. I believe it would be more fairly and more humanely exercised by this Nation than any other. I hope Great Britain will be wise enough to accept the offer of the United States for a Navy of substantially equal strength. If competition must arise, and if it does, it will be the fault of Great Britain. I for one prefer to make safe and secure the vital interests, commerce, and possessions of my country over that of any other.

Mr. President, in order to avoid this competition with its resultant evils a conference was called at Geneva, and Great Britain and Japan were asked to enter into an agreement to extend to all naval vessels the ratio agreed upon by the United States, Great Britain, and Japan at the Washington conference. Japan was willing to enter into an agreement extending the ratio agreed upon at the Washington conference to all vessels in the respective navies. Great Britain refused to do so and the conference adjourned without the accomplishment of anything other than producing further ill will and misunderstandings.

The American representatives were willing to agree to any reasonable limitation of cruisers, destroyers, and submarines that would extend to these the ratio established at the Washington conference for battleships and aircraft carriers. The American representatives also declared that they would prefer a reduction in tonnage rather than an increase. The American representatives offered to limit cruisers to an aggregate tonnage of 250,000, each country to build the character of cruiser most needed and desired not to exceed 10,000 tons each. Great Britain at first proposed a great increase of tonnage in cruisers, which the American representatives promptly declined, stating it would result in an increase of naval strength and not a decrease.

Great Britain then submitted proposals which instead of producing an equality in naval strength between the United States and Great Britain would have further enhanced her existing great superiority. She realized she had two great elements of naval strength that no other nation possessed and she had to devise some way by which these two elements could be used effectively even after the limitations were imposed on naval armaments in the treaty. These two elements were her world-wide system of naval bases, flanking all commercial ports in the world, and her great merchant marine of 880,000 tons of fast merchant ships, suitable for conversion into auxiliary cruisers. The way to make these two assets of particular value and to further increase her naval supremacy was obvious. First, she proposed that all ships should be limited to cruisers of small tonnage and ineffective batteries so they could not go far from their own shores without suffering capture and destruction. The second effort was to get a majority of the cruisers in the world so small and so lightly armed as to be comparable in strength to converted merchant ships. By this means Great Britain could augment her cruiser tonnage effectively in time of war, more than doubling it, while no other power could do so.

Great Britain fully recognized that if any power built cruisers in considerable numbers carrying 8-inch guns, such action would tend to minimize her great strength in merchant ships. Merchant ships can be converted into cruisers and armed with 6-inch guns, but not with 8-inch guns. Great Britain has a tonnage of 880,000 in such merchant ships which can be converted into auxiliary cruisers and armed with 6-inch guns. The United States has a tonnage of 180,000 which might be converted into cruisers with 6-inch guns. Thus if Great Britain could have entered into an agreement to confine cruisers built to cruisers of small tonnage and armed with 6-inch guns her complete supremacy on the sea would be established. If we could build cruisers of 10,000 tons, as we are now building, and arm them with 8-inch guns her merchant marine would be powerless against them on account of speed and size of armament.

Their offer was to limit us to 12 cruisers of 10,000 tons carrying 8-inch guns. Thus the United States would not have had one-half enough cruisers to accompany the fleet, as the others permitted under the proposed limitation in size would have restricted their operation from supply bases. The balance of the cruisers under the agreement would be 6,000 tons or less with 6-inch guns, which would be practically useless to the United States Navy on account of their limited radius of operations and size of guns. Such cruisers would not be more effective than converted merchant ships.

Thus at Geneva Great Britain instead of trying to create substantial naval equality sought to obtain an agreement which would have established her supremacy on the seas beyond question. The offer of the United States representatives to limit tonnage to 250,000 tons of cruisers and let each nation under a limit of 10,000 tons and 8-inch guns build as each nation might determine was refused, and Great Britain sought to obtain a great advantage in order to enhance her superiority. The proposals made by Great Britain at the Geneva conference if adopted would have given her greater naval supremacy.

The representatives of the United States very properly rejected these proposals, pointing out that on account of Great Britain's naval bases being scattered all over the world and with a great merchant marine that their acceptance would have permanently established Great Britain's naval supremacy. In order to induce us to accept this unfair proposal Great Britain subsequently entered into a naval pact with France, the effect of which was not to lessen the unfairness of her proposals at Geneva but to enhance them and obtain for her a still greater naval supremacy. The British Government thought by obtaining the concurrence of France in her proposals that the United States would be induced to accept the rejected proposals. The consent of France was obtained by making concessions to her for her great military land establishments. In this British-France pact Great Britain would be supreme on the sea and France would become supreme in military strength on land. The world would be confronted with the dangers of an alliance having the supremacy of both land and sea. This proposed pact was received with derision in America and encountered opposition in England, and the British Government has publicly avowed its abandonment. Such an alliance, if entered into, would not only have been a serious menace to the United States but also to other nations. It is difficult to discover the reasoning of the British Government by which it believed it could ever beguile us to consent to such an unfair and menacing agreement. The present abandonment of the pact furnishes no guaranty that it may not in the future be consummated.

Nothing should impress America more forcibly with the necessity of strengthening our Navy than the fact that such a pact was entered into by Great Britain and France. It shows the uncertainties and dangers that confront us and other nations in connection with international relations. While governments since the World War have been discussing peace and making noble gestures for peace such as are contained in the Kellogg-Briand treaty, all nations are increasing their naval and military establishments.

The military establishments of the world are larger now than they were prior to the World War. It is folly for us to close our eyes to what is transpiring in the world and to leave our national safety and our vital interests only to peace preachments. With peace in our hearts we behold the world arming, and we must be prepared for any emergency that may arise.

The first and main line of defense for America is her Navy. With an adequate navy, America is secure beyond peradventure, and our commerce and interests will be adequately protected,

regardless of what may occur in other parts of the world. The proposal in the pending bill authorizing the construction of 15 cruisers and 1 aircraft carrier will meet only in a partial way the naval increases that are being made by other nations. If this results in naval competition, the responsibility for it lies with other nations, not with us. We have patiently waited, hoping for an agreement for naval limitation. The situation has become dangerous and we can not wait longer, especially since our fair propositions at Geneva were sternly rejected. If the construction of the 15 cruisers is authorized, appropriations to make the authorization effective must subsequently be made by Congress. To reject the pending bill at this time will be a source of great satisfaction to Great Britain, will give to her the assurance that America is willing to concede to her naval supremacy, and that her will shall be law on the seas. A large element in England agrees with us that the best interests of Great Britain and the United States can only be advanced by having substantial naval equality. Knowing the strong sentiment in America for peace, and the indisposition to make appropriations for naval or military purposes, those in England who insist on British naval supremacy are relying upon that sentiment to prevent an increase of our Navy, and thus leave British sea supremacy undisturbed.

I believe the American people desire to have a navy equal to any, and are not willing that our vast national interests shall be jeopardized by any failure to provide for an adequate navy. Our rights in China, in other parts of the Orient, and elsewhere in the world will be ultimately sacrificed unless we have a navy sufficient to maintain them. Our diplomacy must be vacillating and humiliating without a navy to insist upon our rights and just demands. The affairs of the world will be determined without consultation with us or consideration of our rights unless we have a navy sufficient to indicate that we can not be ignored. Our vast foreign commerce going to every continent and clime will only continue by the acquiescence of others and not as a matter of right unless we have a navy to insure its continuance. It seems to me that America is fully justified in increasing her Navy to an equality with that of any nation. Measured by our wealth and seaborne commerce, we are entitled to a navy equal to any; and we should not be satisfied with less.

If the 15 cruisers shall be constructed, we shall then have only 33, which is less than the number required properly to cooperate with and support our fleet and protect our commerce. This will give us only 305,000 tonnage in cruisers, 80,790 tons less than Great Britain, and about 90,000 tons in excess of Japan. We will still be below the 5–5–3 ratio. If these cruisers shall be constructed, there is no possibility of their being scrapped, as our cruiser strength would not exceed any limitation that might be agreed upon.

The pending bill also authorizes the construction of one aircraft carrier of 13,000 tons. The Washington conference limited the United States and Great Britain to aircraft carriers aggregating 135,000 tons each, and Japan to 81,000 tons. Under the Washington treaty we were permitted to convert two battle cruisers into aircraft carriers, which we did by converting the *Lexington* and *Saratoga*, with an aggregate of 66,000 tons. We have also the *Langley*, an old ship, almost obsolete, which brings our aircraft tonnage to 78,700 tons. If the aircraft carrier provided for in this bill shall be constructed, we will then have an aircraft carrier tonnage of 92,500 tons, which will be about 37,500 tons less than permitted under the Washington treaty. The necessity for the construction of the additional aircraft carrier is most urgent, as no fleet is safe without sufficient aircraft. In this respect we are also inferior to Great Britain. Great Britain has six aircraft carriers, with an aggregate tonnage of 107,550 tons. Japan has three aircraft carriers with an aggregate tonnage of 53,300 tons. Thus, if the aircraft carrier authorized in this bill should be constructed, the United States would be below the ratio established at the Washington conference.

Mr. President, it will be seen that the proposals contained in the pending bill are most moderate and conservative. They do not exceed in any degree the requirements of our Navy and can not be construed in any light as competition on our part, as the bill only seeks to bring our Navy up to the ratio established at the Washington conference; it even falls far short of bringing about that result. If we had been desirous of entering into a program of competition with any nation, a bill would have been proposed for larger increases in our naval establishment. There is no restriction in the Washington treaty as to the number of cruisers, the only restriction being that no cruiser shall be of a greater tonnage than 10,000 tons.

The members of the Naval Committees of the House and Senate did not accept the large naval program proposed by the Navy Department, but adopted the proposals contained in this bill, which are most moderate and conservative. These committees, intrusted by the House and Senate with the duty of making recommendations to the Congress for an adequate Navy, believe they are not justified in recommending less than is contained in the pending bill. Those committees feel that this is a very moderate program, which is absolutely necessary for the proper support of our present Navy, and will not only accomplish that purpose but will be an object lesson to Great Britain in showing Great Britain that the United States is determined to have a substantial naval equality.

I believe if this determination shall be made clear to Great Britain, it will convince her of the wisdom of entering into a pact for naval equality and induce her to abandon her policy of naval competition. I believe this bill to be the most effective step that can be taken to accomplish that desirable purpose.

We have limited the authorization to cruisers in this bill to meet the needs of our present Navy, so that if later an agreement shall be reached with Great Britain, we shall sustain no loss by scrapping. We refused to make further authorizations because we believed that Great Britain would ultimately, in fairness and justice, concede that our demand for naval equality was right. We refused to accede to the demand of those who would have a greater authorization and desired to build a navy superior to all others, and make America supreme upon the seas. We felt we were bound by the understandings and agreements of the Washington conference and would not be justified in recommending the construction of vessels violating the spirit of that conference. We desire to adhere to the spirit, wisdom, and understandings of the Washington conference.

Believing that the passage of this bill will accomplish the purposes sought and result in an agreement among the powers for the limiting of naval armaments, a provision has been incorporated in the bill authorizing the President, if an international agreement shall be reached as to further limitation of naval armament, which he is requested to encourage, to suspend all construction authorized under the act.

Thus, Mr. President, if Great Britain and Japan are willing to have an agreement to carry out the ratios established at the Washington conference to all naval vessels, the President is empowered to cease construction under this act. If competition shall continue after the passage of this bill, the responsibility will belong to other nations and not to the United States. This very bill holds out the olive branch of peace. This bill should pass, as it starts on a pathway that I firmly believe will lead to a better and more comprehensive agreement for the limitation of naval armament.

Mr. COPELAND. Mr. President, I desire to ask a question of the Senator from Virginia. I think we are greatly indebted to the Senator for his eloquent and logical presentation of this important subject. He mentioned early in his address a matter which it seems to me should be emphasized just a bit, and that is the effect of the Jones-White bill upon the encouragement of the building of an American merchant marine.

Mr. SWANSON. Perhaps the Senator was not present when I referred to that subject.

Mr. COPELAND. I was present and heard what the Senator said; but I want to emphasize, if I may, the fact that by reason of the mail subventions and the loan arrangements provided in that wise bill we are now building or contracting to build 26 merchant ships to sail under the American flag under private ownership of citizens of this country.

Mr. SWANSON. That is very gratifying.

Mr. COPELAND. I think it is gratifying, and I think it shows the wisdom of the Congress in the passage of that bill; and since the Senator made the merchant marine fundamental to his argument, I believed that this particular matter should be emphasized and the country should know it.

Mr. SWANSON. I thank the Senator for giving me the information.

OLD-AGE PENSIONS

Mr. DILL. Mr. President, I have here a statement by the Fraternal Order of Eagles entitled "The Fifth Year Under Old-Age Pensions in Montana," which contains such valuable information, and information so much in point on this subject, that I should like to have it printed in the RECORD.

The PRESIDING OFFICER (Mr. JONES in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THE FIFTH YEAR UNDER OLD-AGE PENSIONS IN MONTANA—POINTS TOWARD THE EARLY DOOM OF THE POORHOUSE

Opponents of old-age pensions must take to their heels before the fresh flood of evidence from Montana that the payment of pensions is a far more economical way than the poorhouse system to care for worthy

dependent aged. During 1927 the average cost of maintaining a person under the pension law was less than half what the State would have had to pay to maintain a dependent in a poorhouse.

Under the poorhouse system, so the Federal Bureau of Statistics determined after a careful survey, each inmate costs the State an average of $344. Under the pension system, Montana, in 1927, paid an average of only $166.52. This, it is important to note, is even lower than the average in Montana for 1925 or 1926. Does it look, then, as if pension costs rise year after year, an objection which our opponents so lustily shout?

Corroborative evidence is not lacking from individual counties that costs under the pension law are far, far lower than under the poorhouse system, and that they may be further reduced as experience teaches the county commissioners the wisest way to administer the statute.

For example, in Lewis and Clark County, in 1926, the average pension amounted to $186.86. In 1927 it came to $148.80.

Carbon County, in 1926, paid an average pension of $171.63. In 1927 this was reduced to $140.64.

Custer County, in 1926, paid an average pension of $123.87. For 1927 this was reduced to the exceptionally low average of $103.85.

Gallatin County's record is remarkable. In 1926 this county paid pensions to 25 persons at an average cost of $259.51. Behold, then, the record for 1927. The county paid pensions to 30 persons at an average cost of but $152.75.

Jefferson County likewise shows an unusual saving. In 1926 the county helped 13 persons at an average cost of $126.92. In 1927 the county assisted 30 persons at an average cost of only $74.42.

Thus, with statistics from a State where the law is no longer an experiment, who can say that the old-age pension system is extravagant?

The saving is effected in a number of ways, as the Fraternal Order of Eagles has long pointed out. The counties are relieved of maintaining expensive buildings and grounds. They do not have to pay salaries to caretakers. Administration of the pension system can be placed in the hands of county officers whose time is not wholly taken with other official duties. The sick or mentally diseased can be cared for in hospitals equipped to give them the treatment they should have.

But the Fraternal Order of Eagles advocates old age pensions not alone on the grounds of economy. This is a humanitarian measure which must eventually be adopted, just as the six-day week and the eight-hour day have been accepted. Certain African tribes throw their old folk to the crocodiles. In this country, civilized though we claim to be, we consign our dependent aged to institutions where every shred of their self-respect is killed and where they are often subjected to virtual imprisonment, to abuse, to degradation. Under the pension system they can enjoy freedom, hope. They can live where they have known their years of greatest happiness, amid the familiar surroundings they love so well. They can turn their hands to tasks suited to their strength and ability, and so contributing to their own support, retain their self-respect. Without self-respect, what is life worth?

Furthermore, whatever a pensioner earns lessens by so much the amount the State or county must pay for his maintenance. And thus we arrive again at the established economy of the old-age pension system intelligently administered.

Report of the old-age pension commissions of the several counties of Montana to George P. Porter, State auditor, for the calendar year ending December 31, 1927

Counties	Total number of recipients during 1927	Total amount of cash paid during 1927	Applications for pensions, 1927	Total pensions granted, 1927	Total pensions denied, 1927	Total pensions canceled, 1927	Deceased	Remarks
Beaverhead	8	$2,325.00	1	1		1	1	
Big Horn	2	125.00	2	2		1		
Blaine	5	900.00	5	5				
Broadwater								
Carbon	31	4,360.00	8	6	2	5		
Carter	3	492.50				3		
Cascade	41	8,600.00	20	11	9	1		
Chouteau			1		1			
Custer	38	3,946.50	15	11	4	8		
Daniels	3	735.00	3	3				
Dawson	11	1,910.00	3	3		1		
Deer Lodge	31	5,215.00	4	1	3	5		
Fallon	2	210.00	1	1				
Fergus			2		2			
Flathead	24	6,209.00	16	7	9	2		
Gallatin	30	4,582.50	12	5	5	4		
Garfield	6	875.00	4	4		1		
Glacier			1		1			
Golden Valley	8	1,160.00	3	3		1		
Granite	19	2,450.00	5	3	2			
Hill	6	860.00	8	6	2	2		
Jefferson	30	2,232.50	21	21				
Judith Basin								
Lake	10	1,040.00	10	4	6			
Lewis and Clark	101	15,028.96	32	22	10	8		
Liberty	3	800.00						
Lincoln	15	3,575.00	5	4	1	1	1	
Madison								
McCone								
Meagher	7	$1,175.00	7	4	3	1		
Mineral	7	1,020.00	2	2				
Missoula	65	10,875.00	21	15	6	2		1 pending.
Musselshell	14	2,665.00	1		1	3		
Park	22	4,215.00	9	1	8	4		
Petroleum	3	200.00	3	3				
Phillips								
Pondera								
Powder River								
Powell	14	1,520.00	4	2	2	2		
Prairie	4	720.00				1		
Ravalli	28	589.50	9	8	1	7		
Richland								
Roosevelt	2	550.00	1	1				
Rosebud	24	4,731.00	3	3		6	3	Board canceled 3.
Sanders	27	2,950.00	19	14	4	3	3	1 pending.
Sheridan	6	975.00	3	3		1		
Silver Bow		[1] 7,225.00	141	95	5	5	3	
Stillwater	5	1,205.00	3		3	2		
Sweet Grass	8	1,000.00	5	4	1	3	3	
Teton								
Toole	7	1,547.50	2	7	2			
Treasure	1	180.00						
Valley	16	3,345.00	9	8	1	1		
Wheatland	6	1,080.00	1					
Wibaux								
Yellowstone								
Total	693	115,399.96	425	293	94	85	14	

[1] For 6 months' period.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I desire to have the Senate resume the consideration of the conference report on the Interior Department appropriation bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Schall
Barkley	Fess	McKellar	Sheppard
Bayard	Fletcher	McMaster	Shipstead
Bingham	Frazier	McNary	Shortridge
Black	George	Mayfield	Simmons
Blaine	Gerry	Metcalf	Smoot
Blease	Gillett	Moses	Steiwer
Borah	Glass	Neely	Swanson
Bratton	Glenn	Norbeck	Thomas, Idaho
Brookhart	Greene	Norris	Trammell
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Vandenberg
Burton	Harrison	Phipps	Wagner
Capper	Hastings	Pine	Walsh, Mont.
Caraway	Hayden	Pittman	Warren
Copeland	Heflin	Ransdell	Waterman
Couzens	Johnson	Reed, Pa.	Wheeler
Curtis	Jones	Robinson, Ark.	
Dill	Kendrick	Robinson, Ind.	
Edge	Keyes	Sackett	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness.

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, I merely wish to make a brief statement as to the condition existing now with regard to the Interior Department appropriation bill.

Your conferees were in session for about 10 days, trying to arrive at an agreement with the conferees of the House on the forty-odd amendments that were made to that bill in the Senate. There has been a virtual agreement upon all the items with the exception of three.

The first of these is Senate amendment No. 29, which provides for placing the position of Superintendent of the Five Civilized Tribes in the competitive classified civil service.

The second is Senate amendment No. 39, which has reference to the condemnation of privately owned lands in national parks.

The third is Senate amendment No. 40, which has reference to the construction of the transmountain road in Glacier National Park.

I have asked that the Senate agree to the conference report. It is not a complete report, but the three items I have mentioned are to be taken back to the House for a vote. That being the case, the report is only a partial one, and I ask that the report be favorably acted upon by the Senate, with the distinct understanding that those three items are to go back to the House, as your conferees would not agree to the House demand unless the House had a direct vote upon those three items.

I wanted to say this much so that the Senate could get an idea of just what the three items are to which I have referred.

In other words, I might say this, the amendment provides that the road shall be built, not the way roads in all the other parks are built, but that it shall be built at once, and the sum of $500,000 estimated to finish it is to be made available for that purpose.

I realize that the road ought to be built; there is no question about it, there is no doubt about it in the world. It would connect with the main road in the Glacier National Park, so that people not only could go up north of the lake, but they could go out of the park through the northern route. It will take $500,000 to finish that road.

The policy in the past has been that there will be so much appropriated every year for the building of roads in national parks. That policy is to be continued. The chairman of the House committee is just as much in favor of building the road as are the Senators from Montana, but he says that the House can not agree that the full amount shall be taken out of its regular order and that road built.

The other item has relation to the condemnation of privately owned lands in the Glacier National Park. Senators know that the law now provides that the Government of the United States can condemn privately owned land. This provides that it shall not apply to the Glacier National Park.

The other item was one placing the position of Superintendent of the Five Civilized Tribes in the classified civil service. To-day he does not come under civil service. All of the Indian Associations are pleading that that position should be under the civil service. The Senator from Arizona [Mr. HAYDEN], when the bill was reported to the Senate, made quite a statement to the Senate in favor of that and as against the action of the committee.

Mr. BRATTON. Does that apply to all superintendents or just to the Superintendent of the Five Civilized Tribes?

Mr. SMOOT. I think it applies to all the superintendents, although I am not sure.

Mr. CURTIS. It applies only to the Superintendent of the Five Civilized Tribes, because all the other superintendents are already under the civil service.

Mr. SMOOT. It applies to them all. As chairman of the conferees on the part of the Senate, I want to say that everything has been done that we can do, it seems to me, to have the conferees of the House agree to all our amendments, but that was an impossibility. There was no need of holding any further conferences upon these items, we were informed by the conferees of the House. Then I suggested that, at least, before I would ask the Senate to recede from those amendments the House itself, not the conferees but the House itself, vote upon the three amendments.

If this conference report is agreed to, which I hope will be done, the bill will go back to the House, and the House will vote upon each one of the items to which I have referred. If the House votes for the Senate amendment, then there is only one thing for the House conferees to do; that is, to yield. If the House does not so vote, then the conference report will have to be brought back here for further action.

Mr. WALSH of Montana. Mr. President, I desire to express to the Senator from Utah [Mr. SMOOT], in charge of the report, my heartfelt thanks for the courtesy extended by him to me during a brief illness, in deferring consideration of this report until I could reappear on the floor. I am also indebted to him, as well as to other members of the Senate conferees, for the fidelity which they have exhibited in the conferences upon this measure to the amendments adopted by the Senate.

I am very glad to see a number of Senators here to listen to this matter this afternoon, because I intend to speak of what I regard as the most outrageously oppressive piece of legislation which has come before this body in a long time. It relates to an amendment incorporated in the Interior Department appropriation bill in the other branch of Congress. It was not found in the bill as originally introduced in the House, but is found in the bill as reported by the House committee. The Senate committee recommended an amendment which took the sting out of the legislation, and it is that amendment which is now the subject of consideration here.

Of course, I shall not oppose the request that the report, so far as agreed upon by the conferees, be approved by the Senate. I say what I have to say now with respect to the matter not only for the information of Members of the Senate but in order that what I think about the matter may be understood in the other branch of Congress when they come to take up the matter for special consideration over there.

The matter under consideration is found at page 101 of the bill as it came from the committee of the House, and at page 106 of the bill as it passed the Senate. I read from the Senate copy as follows:

> For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase (39) or by condemnation under the provisions of the act of August 1, 1888 (U. S. C., p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, $250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the existing national parks and national monuments not exceeding a total of $2,750,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractual obligations of the Federal Government: *Provided further*, That the sum herein appropriated and the appropriations herein authorized shall be available to reimburse any future donor of privately owned lands and/or standing timber within the boundaries of any existing national park or national monument to the extent of one-half the actual purchase price thereof: *Provided further*, That as part consideration for the purchase of lands, the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases: *Provided further*, That appropriations heretofore and herein made and authorized for the purchase of privately owned lands and/or standing timber in the national parks and national monuments shall be available for the payment in full of expenses incident to the purchase of said lands and/or standing timber.

It will be observed that by this legislation the Government of the United States embarks upon an entirely new policy. This is really not legislation appropriate at all to an appropriation bill, but it is a character of appropriation for the Interior Department that has been carried for a long time.

A great deal of the legislation in relation to our reclamation projects in the West has found its way into these appropriation bills. A great deal of the legislation affecting Indian affairs out West has thus been incorporated in appropriation bills. Indeed, the abuse was so marked that our esteemed and venerable chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], who I am glad is now present, said to me about two years ago that if anything of the kind ever came over again he would return it to the House without action by the committee at all on the subject. But here it is.

Under this legislation we would embark upon the policy of acquiring all lands in all national parks. It amounts to something over 92,000 acres, exclusive of mineral claims, the aggregate of which we are not advised. It contemplates the expenditure of something over $5,000,000 in cash and the exchange of lieu lands to the State of a value of at least as much. In other words, it contemplates the expenditure all together of something in the neighborhood of $10,000,000 for the acquisition of privately owned lands in all the national parks.

Bear in mind, Mr. President, that no committee has ever considered this except the Committee on Appropriations. One would naturally think that if the Government of the United States were going to embark on any such policy as that an appropriate bill would be introduced, which would go to the Committee on Public Lands and Surveys, or to the Committee on Public Buildings and Grounds, or to some other appropriate committee, which would examine into the matter and announce the policy of Congress, and, if necessary, authorize an appropriation, and then it would go to the Committee on Appropriations, and that committee would recommend such appropriation as it thought necessary. Instead of that the subcommittee of the

Committee on Appropriations of the House of Representatives having in charge appropriations for the Interior Department have themselves declared and made effective this policy.

It is quite true that the rules of the House of Representatives apparently forbid anything of the kind, and very properly so. I read:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

I entertain no doubt at all that this provision in the bill would have been subject to a point of order in the House of Representatives, and would have been excised upon the mere suggestion that nothing of the kind was ever authorized by any law.

This is the theory upon which our Budget law was enacted, namely, that no appropriation should find a place in a general appropriation bill except to carry out some purpose already authorized by law. I will read section 202 (a). The statute, after directing the President of the United States to submit an estimate each year upon which appropriations can be made, provides:

SEC. 202. (a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President, in the Budget, shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

Even the President is by the law enjoined not to include in the Budget any appropriation for any purpose except that which has already been authorized by some law.

The PRESIDING OFFICER (Mr. BLAINE in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11526, the cruiser bill.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the conference report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. Mr. President, I read from section 203 (a), as follows:

SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

This item was not included in the Budget and there has been no supplemental estimate supporting it received by either the House or the Senate. Indeed, I have just had information from the Bureau of the Budget that they have not estimated the item at all.

But this body has recognized the wisdom of the policy thus expressed in the rule of the House and in the Budget.

Rule XVI of the Senate relates to amendments to appropriation bills. Of course, these general appropriation bills originate in the House according to a practice which has become almost as fixed as though there was such a constitutional provision, so provision is here made only for amendments to appropriation bills and not for original matter in appropriation bills. Rule XVI, "Amendments to appropriation bills," provides that—

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

I think the policy is fairly well fixed that this provision has no business in the appropriation bill at all. It violates the settled policy of the Government to have it here. Of course, the way to get at this matter, if it is desirable to acquire any privately owned lands in a public park, is to introduce a bill, have it referred to the Committee on Public Lands and Surveys or the Committee on Public Buildings and Grounds or some other committee, and reported, and the bill passed, and the authorization given, and then the Committee on Appropriations make whatever appropriation may be appropriate for it.

Just how important is this particular matter? In the House hearings upon the bill is found the report of some officer of the Park Service, who investigated the questions of private holdings in the national parks throughout the country, in which he tells us:

Exclusive of mineral claims, complete data on which is not yet available, alienated land and timber holdings in the national parks total 92,101.84 acres, of which 2,935 acres are involved in power-site withdrawals, which may be subject to cancellation in whole or part; 47,662.19 acres are in State ownership and for the most part acquirable by lieu of exchange; and 2,321.82 acres of lands in Yosemite, owned by the city and county of San Francisco and subject, in whole or part, to conveyance to the United States under terms of the so-called Raker Act of December 19, 1913, granting certain power and water privileges to the city and county, leaving 39,182.83 acres to be acquired through purchase or donation. Of the latter acreage, 3,207.77 acres represent timber rights held by the Yosemite Lumber Co. on Government-owned land and 150 acres represent land only on which the Government owns the timber, both parcels being in Yosemite National Park. The remaining 35,825.06 acres is classified into timberlands, 18,704.49 acres; nontimberlands, 15,455.45 acres; and town sites and villa site, 1,665.12 acres.

How much is it going to cost to get these lands? We have the following:

Information on which to base appraisals of privately owned lands in the parks is meager. In only one park, Yosemite, do we have any cruises of timberlands available, and even here the figures are not entirely complete. Estimates of present values in all cases therefore have been arrived at by comparison with known values of similar lands elsewhere in each community; ascertaining, where possible, the asking prices of owners; location of the various tracts with regard to roads and trails and with regard to administrative importance; suitability for resort or summer-home sites or commercial enterprise; and assessed valuations. Naturally there is in general a wide divergence of opinion as to values between asking prices and the estimates of our superintendents and even a wider one between asking prices and assessed values, and the figures are presented with the full realization that they are far from conclusive. Nevertheless, it is believed that for the most part they represent liberal values and would not be exceeded by appraisals under condemnation proceedings if instituted.

The total estimated present value of all alienated holdings, except mineral claims, power sites, and State lands, is placed at $5,810,261.29, divided among the various parks as follows: Glacier, $1,553,763.57; Yosemite, $1,510,846.80; Rocky Mountain, $1,076,350; General Grant, $479,062; Lassen Volcanic, $475,100; Mount Rainier (including mineral claim appraised at $100,000), $337,919; Crater Lake, $147,119.92; Sequoia, $125,200; Grand Canyon, $84,550; Mesa Verde, $11,850; and Zion, $8,500.

It is contemplated that all these lands shall be acquired and the various amounts expended, and this is only the barest guess as to what the lands cost the Government, all without having an investigation of it by any committee appropriate to the case.

The bill carries an appropriation of $250,000 for the purpose of making acquisition, but authority is given to contract obligations amounting to $2,750,000 more, the appropriation, however, not to be available unless private parties put up an equal amount. So it contemplates the incurring of an obligation to the amount of about $3,000,000 by the Government of the United States in the expectation that interested private parties will put up $3,000,000 more.

The alleged occasion for the legislation, it is said, arises by reason of conditions in Yosemite National Park and in Glacier National Park. A topographic map of the latter park is before Senators. It is said that within the Yosemite National Park a very considerable body of land is owned by a lumbering company, which may at any time resume lumbering operations and cause a desecration of the cedar. The same condition exists to some extent in Glacier National Park. There is a rather limited area in that park that is privately owned now, that is quite heavily timbered, with valuable timber upon it, and the logging of that particular land would be a desecration.

If the matter came up before any committee I should very cheerfully lend my support to legislation looking to the acquisition of the lands, the lumbering of which would operate really to make the place entirely unsightly and detract from the particular purpose for which the park is created. But I now speak with especial reference to Glacier National Park, all of which is within the State of Montana and with every feature of which I have the most intimate familiarity.

In addition to lands more or less valuable for timber, which are near the foot of Lake McDonald, the largest lake in the park, and, if I may be permitted to say so, the most beautiful, there is quite a little body of land held in private ownership that is likely to be logged off, a thing that ought to be obviated by appropriate legislation. But in addition to that it will be noticed that in the western portion of the park along the line of the North Fork of the Flathead River, which constitutes the western boundary of the park, there is land which is comparatively level. Of course, it is all mountainous, but speaking with respect to the remainder of the park, that region is a comparatively level region, so much so that settlers have gone into that locality. I dare say there are a dozen of them who went in there before the park was created in 1910 and established homes for themselves there and have lived there since and have made a living upon those lands. They occupy the tracts which, it will be observed, are not particularly scenic in character. They have some stock that grazes upon the foothills there. They have milch cows. They cultivate gardens and sell the vegetables thereon grown to tourists in the park. They act as guides to hunting parties who go into the locality to the west, which is famous for its big game.

The legislation to which I am addressing myself provides that the Secretary of the Interior may purchase any of those lands which he desires to purchase, to which feature I offer no particular objection; but the objection is directed to the power it gives to the Secretary of the Interior to condemn any lands he may see fit to condemn anywhere within national parks; and the amendment which is the first subject of discussion here takes away from the Secretary that power to condemn. It is amendment No. 39, which would strike out the language—

or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government—

Practically all lands held in private ownership in the Glacier National Park cluster about Lake McDonald and the valley of the North Fork of the Flathead River. There are now held in private ownership, under patents granted by the United States prior to the time that the park was created, a tract of practically 160 acres at the head of Lake McDonald; another at the place at which I point [indicating], of equal area, about a mile and a half down the lake from its head. Between those two points is another tract held in private ownership. Another tract is held in private ownership at the foot of the lake; another is directly opposite at the place to which I point, there [indicating]. That is all the land around Lake McDonald which is held in private ownership. Lake McDonald is about 10 miles long. Its perimeter is something over 20 miles. In that 20 miles these 5 tracts cover about 2½ miles of shore line; in other words, the Government now owns about ten times as much shore line as is held in private ownership.

Those properties were acquired a good many years ago. People have gone in there and built summer homes upon those privately owned lands. It is now proposed to authorize the Secretary of the Interior at his sweet will, whether the owners care to sell or not, to go into court and condemn those lands, take them away from those who have thus acquired them and who make there their summer homes.

But that is not all. At this point of which I have spoken, about a mile and a half down the lake from its head, is a tract which was thus acquired and which is now owned by Mr. John E. Lewis. There has been something in the nature of a hotel there for many years; it existed for years prior to the time the park was created; but since the park was created Mr. Lewis has acquired the property and has built thereon a gem of a hotel, a beautiful piece of architecture. It is a popular place for summer tourists to go and stay during the entire season. Mr. Lewis has expended, I should think, perhaps $150,000 or $200,000 in the construction of that hotel and in the accessory buildings, in improving the grounds, and that kind of thing. Power is proposed to be given to the Secretary of the Interior, if he does not agree with Mr. Lewis upon the price that he ought to have for his property, to go in and condemn that land and take it away from Mr. Lewis at such a figure as a jury may be willing to award him; then, inasmuch as a hotel is needed there, to give a lease or concession to some one else to run the hotel.

Mr. WHEELER. Mr. President, at this point, will the Senator explain to the Senate how many hotels there are in the park that have been leased and are owned by the Great Northern Railroad Co.?

Mr. WALSH of Montana. The Great Northern has a very large and very lovely hotel at the eastern entrance of the park here [indicating], that will accommodate perhaps 600 guests. I, perhaps, ought to say that the park is bounded on the east by the Blackfeet Reservation; the right of way of the Great Northern Railroad forms the southern boundary of the park; the North Fork of the Flathead River is the western boundary; and the international boundary line is the northern boundary. The park is upon both sides of the main range of the Rocky Mountains. There is one peak within the park, which is known as Triple Divide Peak, from which if a snowball be thrown in one direction the waters will go into Hudson Bay; if a snowball be thrown in another direction the water will go into the tributaries of the Missouri, and ultimately into the Gulf of Mexico; and if it be thrown in another direction the waters will go into the Flathead and Columbia Rivers, and eventually into the Pacific Ocean.

In addition to the hotel at the eastern entrance, the Great Northern has another hotel between the two St. Marys Lakes, upon the eastern border of the park, and has another hotel within the park, which is known as the Many Glaciers Hotel, because from that hotel the glaciers shown upon the map may be seen. Furthermore, the Great Northern has chalets or small stopping places at Two Medicine Lake, at Going-to-the-Sun Mountain, at Granite Park, and at the Sperry Glacier. These it will be observed are all on the east side of the park; that is, on the east slope of the mountain. The only hotel on the west slope of the mountain is the Lewis Hotel at Lake McDonald.

In addition to that, Mr. President, a Methodist society have acquired a part of a tract of land, which was patented, at the lower end of the lake, consisting of 40 acres, which they use for a summer camp to which they invite their young people to come for a month or two in the summer time; and they go in large numbers. It is proposed to authorize the Secretary of the Interior to condemn that land thus taken and appropriate it to any other purpose to which he may care to put it.

I want to impress upon the minds of Senators the idea that the national park officials do not desire these lands for any purpose whatever; they simply do not want any of these lands held in private ownership.

I may say—it, perhaps, may be of interest to the Senate—that prior to the time when the park was created I acquired a building site, a part of a patent, at the head of the lake and constructed there, in the year 1910, a very comfortable summer home. I may add that since 1900 my family have been accustomed to spend their summer vacations in that neighborhood, living in the house at the head of the lake since it was constructed. It is proposed to take my house away from me, if the Secretary of the Interior feels so disposed, and burn down the house or turn it over to some one else.

Mr. President, I do not think there is any occasion whatever for this legislation. I spoke of the occasion for it so far as the Yosemite Park is concerned. It is said that at the south end of Lake McDonald, here [indicating], there are a number of unsightly houses that are offensive to tourists who come to the park. Well, I passed there every day last summer during nearly two months, and I was not sensible of any offense. We had a good many guests during the summer time, and none of them apparently noticed the offense, if there was any; but, anyway, the department wants to get rid of the buildings at the lower end of the lake, and I am not here to say that some of them are as handsome as I wish they might be.

I am perfectly confident, Mr. President, that there will be no difficulty whatever in acquiring in the Glacier National Park, and I am perfectly sure in all other parks, all of the lands that are held because of the timber upon them, for those who hold them because of the timber hold them for commercial purposes, and they would just as lief sell to the Government as to cut the timber and manufacture it into lumber. So the permission to the Secretary of the Interior to purchase is to my mind all that he needs, at least, all that he needs at the present time. If it is impossible for the Secretary to negotiate with the owners of any of these lands which ought to be acquired by the Government of the United States for their sale at a reasonable price, he may then come before the Congress at the next session or some subsequent session and ask for specific authority to condemn particular lands, explaining to the appropriate committee exactly why it becomes necessary to condemn such lands. But to give the Secretary of the Interior carte blanche to condemn any lands that he sees fit to condemn in any of the national parks it seems to me is an outrageous and indefensible power for the Congress to vest in him. So much, Mr. President, for the amendment to strike out that provision of the law which authorizes condemnation; but before I pass from it I want to correct a misapprehension that may exist. It will be observed that the proposed legislation reads:

by condemnation under the provisions of the act of August 4, 1888, whenever in the opinion of the Secretary acquisition by condemnation proceedings is necessary or advantageous to the Government.

Some notion seems to prevail that the Secretary of the Interior even now has the authority under the provisions of the act of 1888 to condemn any of these lands, and that it is now proposed to confer no additional authority upon him. That is a very grievous error. The act of 1888 confers no authority whatever upon any officer of the Government to go out at will and condemn private lands for any public purpose. If that were the case, the Postmaster General would be authorized to go into any city and condemn a piece of land for a post-office site, or the Secretary of War to proceed to condemn lands for the purposes of a fort or an arsenal or something of that kind without any authorization by Congress at all. That, however, is not the law at all. The law simply provides that whenever the acquisition of lands is authorized, the proper officer may proceed as provided in the act of 1888.

I read from the case of the United States against Certain Lands in Narragansett, R. I., reported in One hundred and forty-fifth Federal Reporter, at page 656, as follows:

The defendant contends that the act of August 1, 1888 (ch. 728, 25 Stat. 357), entitled "An act to authorize the condemnation of land for sites for public buildings, and for other purposes," does not confer a general authority to land, but only authority to institute condemnation proceedings in furtherance of or in execution of authority otherwise granted to procure real estate for public purposes. A mere reading of this statute shows clearly that this contention is correct. The act is as follows:

"That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so; and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation; and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury under this act, or such other officer, to cause proceedings to be commenced for the condemnation within 30 days from the receipt of the application at the Department of Justice.

"SEC. 2. The practice, pleadings, forms, and modes of proceeding in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding."

Chappell *v.* United States (160 U. S. 499, 16 Sup. Ct. 397, 40 L. Ed. 510) clearly recognizes the necessity for other authority than that conferred by chapter 728 by the reference to Revised Statutes sections 4658, 4660.

So, Mr. President, without the authorization of this legislation, the Secretary of the Interior has no power to condemn any of the lands within that park; but, regardless of that, he has no funds with which he could pay for the lands that are condemned unless they are granted by this legislation. So what it amounts to is that this legislation is necessary in order that he may prosecute the condemnation proceedings to effect.

So much for the amendment revoking or withholding from the Secretary of the Interior the power to condemn those lands.

The other amendment is related to this question.

When I first became familiar with this country there were no roads here at all anywhere in the neighborhood of the park except a road running from Belton, on the Great Northern Railroad, to Lake McDonald, a distance of about 2½ miles; and that road was scarcely wide enough to permit the passage of a wagon through the dense forests that exist there. I might say that this park is the most marvelous combination of mountains and barren peaks, of glaciers, of rushing rivers, of wonderful cataracts, but, most of all, of the most lovely forests. A short distance above Lake McDonald here is a beautiful group of cedar trees. The forest consists of pine, both yellow and white, of fir, spruce, cedar, tamarack, hemlock, and shrubbery of innumerable kinds. The wild flowers grow in the utmost profusion and in startling beauty. This road at that time, as I say, was just wide enough to permit the passage of a wagon; and you went down into deep ruts and over tree roots and everything of that kind.

However, after the park was created, this road upon the east side of the park, most of it within the Blackfeet Reservation, was constructed, permitting easy access to the Great Northern hotels upon the east side of the park; and there was also constructed a beautiful road taking the place of the old road of which I have spoken from Belton to Lake McDonald. In more recent years that road, now spoken of as the transmountain road, has been extended up the east side of Lake McDonald, and then proceeds to climb up the bed of McDonald Creek and up the side of the mountain to what is known as the Granite Wall, where it turns back; and it is intended to continue on down until it reaches the upper end of St. Marys Lake, permitting passage from the east over this marvelously scenic road to the west side and on to the west.

In anticipation of the completion of that road the State of Montana has spent an enormous amount of money for a State as sparsely settled as ours upon the improvement of roads leading to the Glacier National Park, anticipating that tourists will travel through that country by the thousands for the purpose of viewing the beautiful scenery and enjoying the advantages it offers. That road is now completed to the summit, and now it is proposed to stop its construction.

I might say that at the present time there is no road across the Rocky Mountains south of the park until you reach a point opposite my home in Helena, Mont., a distance of about 200 miles. For 200 miles there is no way of getting across the Rocky Mountains; so that when we go to Lake McDonald in the summer time it becomes necessary for us to make a great detour off to the west here, crossing the mountains near Helena, getting on the other side, and coming up from the west side instead of coming along from the east to the eastern side and then crossing by this route.

The bill carries an appropriation of $5,000,000 for the construction of roads in the national parks. Each of our appropriation bills for the last half-dozen years has carried such an appropriation; and out of these appropriations so made since 1923 an allocation has been made for the construction of this transmountain road, until now there has been expended in the construction of that road something over $1,400,000; and now there is a gentlemen's agreement between the chairman of the subcommittee of the House Committee on Appropriations and the Park Service that they will not spend a dollar more of any money that is appropriated for roads in the national parks for the completion of that road until—well, I suppose until the chairman of the House subcommittee lets them.

Mr. SMOOT. Until next year, they say.

Mr. WHEELER. Was not the statement, until these people had sold out their property?

Mr. SMOOT. No; until next year, Mr. President.

Mr. WALSH of Montana. At any rate, the fiat has gone out by the chairman of the subcommittee of the Appropriations Committee of the House that none of that $5,000,000 must be spent in the completion of that road—and you are correctly informed by the Senator from Utah that it will take about half a million dollars more to finish the road—until these people who own the lands at the south end of the park will sell out their properties at a satisfactory price or until they shall be condemned under the provisions of this law.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes, sir.

Mr. FESS. I spent a week in the park a year ago, going through such parts of it as the time allotted would permit; and I learned that there was some effort to construct one highway which would permit the passage of tourists who did not want to take the time to go through the park generally.

I think that ought to be done. I should greatly regret it if it were not done; but it will not be the policy, will it, to abandon the many horse trails that go through the park?

Mr. WALSH of Montana. No, Mr. President; I think we shall be able to hold to the policy that no more roads shall be constructed in the park.

Mr. FESS. That is precisely what I wanted to know. I think that is the most wonderful natural curiosity in America, and every citizen ought at some time to see that park.

Mr. WALSH of Montana. The map before you shows the horse trails through the woods, and they are the ordinary means of travel in the park; but, as the Senator properly says, there are many people who can not take the time to get off and move by horse trail. This road would give them an opportunity to go through the park, and they would be taken by this route high up above even the timber line, among the bare, barren rocks.

Mr. FESS. Mr. President, will the Senator permit a personal statement?

Mr. WALSH of Montana. Yes, sir.

Mr. FESS. A trip from Many Glaciers Hotel by horse trail up to Granite Park is a trip that very few people in the world will duplicate; and I should very much dislike to see that particular phase of visiting the park broken into. I agree that there ought to be one trunk line by which automobiles could go through, but I should very much dislike to see that natural curiosity broken into by our modern methods of transportation.

Mr. WALSH of Montana. I fully agree with the Senator.

Mr. FESS. When you approach Granite Park you can see the mountain goat and I do not know what else so high up that it is

necessary for you to use a glass to see it; and you realize that you are in a portion of real nature that it is very difficult for a man to appreciate.

Mr. WALSH of Montana. I might say in this connection that those who are familiar with the country love to go there and stay, and they come year after year to enjoy the beauty of the surroundings.

Mr. President, the officers of the Park Service are very, very decent about this matter. They say, "We have made this arrangement with Mr. CRAMTON, and we propose to carry it out, but we will do whatever the Congress tells us to do about the matter." Accordingly we asked the Senate committee to put in an express provision that this money should be utilized, among other purposes, for the purpose of continuing the construction of this road.

Mr. SMOOT. Mr. President, I want to say, however, that Mr. Cammerer and also Mr. Demaray took the same position that the bill provides, particularly as to the condemnation proceedings. In fact, I have their testimony here on pages 26 and 27.

Mr. WHEELER. With reference to condemnation proceedings?

Mr. SMOOT. Yes; with reference to condemnation proceedings. I want to say also that the chairman of the House subcommittee, Mr. CRAMTON, recognizes that this is one of the greatest scenic places in the world, and he says that that road is going to be built without a question. His point was, however, that it should not be done this year. That, of course, is what he tells the members of the subcommittee.

Mr. WALSH of Montana. I desire to say this much in justice to Mr. CRAMTON, and not only in justice to him but I am glad to do so. He is to be commended for the interest he has exhibited not only in these national parks but in all of the problems which come before his subcommittee of the Committee on Appropriations dealing with appropriations for the Department of the Interior. But really I dare say that most people would feel as my colleague and I do, that when it comes to a question of such vital consequence to our own State, when it deals with this property here, within which both of us have summer homes, at least we ought to be consulted about the policy before it is announced.

It has already been told that that is what is going to be done, that there is not going to be a dollar spent upon this road until this property at the foot of the lake is acquired by the Government of the United States. So well is it known, that the contracting firm which has constructed the road thus far from the head of the lake, and done a splendid job, a beautiful piece of work, with an enormous equipment there, pulled out their equipment and disbanded their force, and it has gone elsewhere, because the word has been given out, before the Congress has acted upon the matter at all, that there is not going to be any more work done on that road until this property is acquired. That is the situation which confronts us.

Mr. WHEELER. Had they remained there and kept there the horses and the machinery, which they had for completing the road, it would undoubtedly have meant a saving to the Government, because of the fact that that firm having pulled their equipment out anybody who takes up the work now will have to put similar equipment on the ground.

Mr. WALSH of Montana. Of course, they would have been in a position to bid less than anybody else could bid for doing the work.

Now, I desire to indicate in this connection that the attitude taken by me and my colleague is likewise taken by the people who own the most of these lands. I have this telegram from Mr. Lewis:

COLUMBIA FALLS, MONT., *December 22, 1928.*

Hon. THOMAS J. WALSH,

Senate Chamber, Washington, D. C.:

My attitude on park measure same as yours and heartily approve of same, with your amendment, and do not think same will work hardship on anyone.

JOHN E. LEWIS.

Mr. Lewis owns some of these timberlands down at the south end of the lake. There will not be the slightest difficulty in agreeing with Mr. Lewis upon a reasonable price for those lands, because he is desirous of preserving them, as we are, of course, as he is running a hotel there for the accommodation of tourists, and he has agreed that that land should be taken over by the Government and should not be logged over.

The other owner of most of those lands is a Mr. Stack, who runs a store at Belton that is supported by the tourist traffic. He does not want to log off this land, and there will not be any difficulty in making an arrangement with him that is reasonable. But if these people should be unreasonable about the matter, and the Secretary should be unable to get the lands at a fair price, let him then come before Congress and say, "We have done the best we can, and we can not get them. Give us authority to condemn."

There is absolutely nothing urgent about this matter. Even with respect to the Yosemite National Park—and I regret that the Senators from California are not here—I dare say there is not a man who owns timberland in the Yosemite National Park who under the circumstances would think of engaging in logging operations while there was a prospect that legislation for the acquisition of those lands was pending before the Congress of the United States.

Mr. WHEELER. Mr. President, let me interrupt the Senator long enough to say that I personally know Mr. Lewis is anxious to sell, but the Government has not even attempted to buy the timberland from him at all; at least it had not when I talked with him—I do not know whether it was the past summer or just before that. He personally talked with me and told me he would be delighted to sell the land because he did not want to log it off.

Mr. WALSH of Montana. The Methodist organizations to which I have referred are equally solicitous about their property. I have this telegram from Bishop Brown, of that church, who appears to be in Ithaca, N. Y., at present:

ITHACA, N. Y., *December 20, 1928.*

Senator T. J. WALSH,

United States Senate, Washington, D. C.:

Our Methodist property Glacier Park acquired at sacrifice. Very useful educational and recreational purposes. Shall appreciate your interest in protecting our investment.

Bishop W. E. BROWN.

I have another telegram, under date of December 21, 1928, from Mr. C. L. Clifford, as follows:

KALISPELL, MONT., *December 21, 1928.*

Senator THOMAS J. WALSH,

Capitol Building, Washington, D. C.:

We are concerned about bill to condemn privately owned property in Glacier Park. We purchased 40 acres on Lake McDonald and spent thousands in development and buildings through summer institutes. Thousands of Montana young people are given outing and training. I represent hundreds who commend and urge your amendment.

C. L. CLIFFORD,
District Superintendent.

I have a telegram from Mrs. Nancy C. Russell, the widow of the late Charles Russell, the cowboy artist, who has a very lovely place, filled with mementos of her late husband, of artistic character, at the foot of the lake, a part of the patent in that section. She says in her telegram:

PASADENA, CALIF.

Senator T. J. WALSH:

You know my love for the lake. Would like to keep property. Do not wish to go against any decision of the Government. Would like more explicit details. Would appreciate your advice as to what I shall do.

NANCY C. RUSSELL.

I have a long letter here from the head of the Epworth League, very much concerned likewise about the Methodist property, as follows:

MONTANA STATE EPWORTH LEAGUE,
Fort Benton, Mont., December 21, 1928.

Hon. T. J. WALSH,

Washington, D. C.

DEAR SENATOR WALSH: I wired you to-day as follows: "Emphatically protest against condemnation of Glacier Park Institute camp grounds. Bill should except lands held by religious corporations when not used for business purposes. Use for such purposes not inconsistent with purpose for which park created; our grounds used for recreational purposes only. Hold bill in committee until protests received."

I had no knowledge of this bill until Bishop Brown's secretary called me by phone from Helena. We have, as you know, the Glacier Park Institute camp which is a religious corporation under the control of the Methodist Episcopal Church and have 80 acres of ground at the foot of Lake McDonald. We have two or three very good buildings on these grounds and expect to erect more to take care of our religious meetings and institutes which are held there each summer. New buildings that may be erected on these grounds will be in keeping with the improvements placed in the park and under no circumstances could the use of these grounds for the purposes to which we are putting them be considered a detriment to the park; but, on the other hand, it brings to the park hundreds of young people each year that would not otherwise have the opportunity of visiting this national playground.

I can not see where there is any more objection to our organization holding this ground and maintaining this camp than there would be to any hotel or permanent camp grounds operated by any private individual. In fact, there are many arguments in favor of the camp ground and against any permanent camp privately operated. If there is a valid reason for condemning other privately owned property in the park that is now being used for commercial purposes, that reason would not hold as against the continuance of our ownership of this property or, in fact, the ownership of any other property in the park by any other religious corporation. These grounds have been used for the past five years for one or two weeks each summer. Young people gather for a week's outing from all parts of the northern and western portions of Montana. It seems to me that the Government should encourage the use of its national parks for such purposes rather than to discourage such use. It is absolutely impossible for us to carry on our summer meetings without some sort of permanent buildings and improvements, and we could not, of course, place improvements upon leased ground.

I will be very glad to hear from you at once regarding this matter with any suggestions that you may have as to how we may be able to retain our holdings in the park. I am sure you will do everything that you can to help us in this matter.

Sincerely yours,

VERNON E. LEWIS.

I have another letter from Mr. Clifford, under date of December 22, 1928, in which he says:

MONTANA STATE EPWORTH LEAGUE,
Kalispell, Mont., December 22, 1928.

Senator THOMAS J. WALSH,
Washington, D. C.

DEAR SENATOR: You received my wire regarding the Interior Department appropriation bill and the provision that privately owned property be condemned in Glacier Park and that the continuance or construction of the road through the park be held up until the Government has acquired such property.

We appreciate your attitude on this bill and heartily favor your amendment to the effect that the condemnation of privately owned property in the park be eliminated. A host of private owners are greatly concerned and it affects thousands of young people who have been securing and improving our Glacier Park institute grounds.

Several years ago we purchased 40 acres at the south end of Lake McDonald. We secured it at a very reasonable figure because the owners had gotten it as a homestead and now in their old age they desired to do something fine for the young people of this State. Now, we have invested many thousands of dollars in the land, in improvements, erection of buildings, etc. Thousands of young people have received there at our summer institutes educational training, inspiration, and wholesome recreation. The very grounds and location have gotten into their minds and hearts—in fact, are a part of the life dreams of those who are to become our future—and, may I say, some of our best future citizens in the Northwest.

We are in favor of your amendment and will appreciate your best efforts to secure its passage. We do not wish to obstruct the completion of the road in Glacier in any way, but that should not be contingent on the Government securing the private property in the park.

Thanking you for your continued efforts in this matter, I am,

Very cordially,

C. L. CLIFFORD.

P. S.—I am representing the sentiment of a multitude of people in Montana regarding the above.

I also have a letter from Mr. C. E. Smith, likewise holding some position with the State Epworth League, as follows:

MONTANA STATE EPWORTH LEAGUE,
Hamilton, Mont., December 24, 1928.

Hon. T. J. WALSH,
Washington, D. C.

DEAR SENATOR WALSH: Word has just come to me of a congressional bill looking to the condemnation of certain lands in Glacier Park. The Glacier Park Institute Camp of the Methodist Episcopal Church has 80 acres of ground at the foot of Lake McDonald. This they hold for religious purposes only. We have a rustic temple, artistically built, worth approximately $6,000. We also have other substantial buildings, including kitchen, cabins for members, and have plans for administration building, and so forth. The plan of the institute has always been in harmony with those of the park—seeking to preserve all the beauties of nature and build in harmony with other park architecture.

To these grounds come hundreds of young people from the northern and western part of the State for two weeks every summer. A good advertisement for the park, and we supposed in perfect harmony with that for which the park was created. These grounds are in no way used for commercial purposes, nor for any private profit. We have been operating for the past five years. Should we be deprived of the use of these grounds or be compelled to lease them it would seriously cripple our building and improving program and be a distinct loss to our present hundreds, and eventually thousands, of young people.

Whatever may be the attitude of the Government toward other privately owned property in the park, it does seem to us that for the above-mentioned reasons we should be privileged to retain our property, for our plans extend beyond the present meetings for the young people to include religious privileges to other departments of Christian work that shall call for occupancy of the grounds for the greater part of the season, and this we could not do unless we own the grounds, as at present.

We feel sure, Senator, that we have a friend in you, and believe that you will do all in your power to help us to retain our holdings there.

Sincerely yours,

C. E. SMITH.

Mr. President, the good people in the Park Service say, "We do not intend, Senator WALSH, to try to condemn your property." That is neither here nor there. This would give them power to do so. Some of them have made very serious complaint about this Methodist camp at the foot of the lake. I never saw any reason to complain about it. I think it is an admirable thing. For one thing, it is the only place where religious services are conducted in that part of the park on Sunday, so that anybody can attend.

They say, "We do not intend to condemn this property of the Methodist people. It is only some objectionable property that we want to condemn." But this would give them authority to condemn the property if they saw fit to do so, and that is what we complain about.

In any case, Mr. President, I think it is discreditable in the great Government of the United States to say, "We will not go on with the building of that road, on which we have spent a million and a half already, until these people at the south end of the park, including these Methodist people, sell out their property to the Government at such a figure as is satisfactory to us, or as a jury may decide."

As I have said, if there is any of that property they need for any public purpose, and it can not be purchased at a reasonable figure, that will be time enough for them to come to Congress and get authority to condemn.

Mr. SMOOT. Does the Senator understand that as to most of those holdings they want to purchase, they are perfectly willing to purchase and allow the man owning the property to remain on it as long as he lives?

Mr. WALSH of Montana. I wanted to advert to that. The bill, it may have been noticed, provides that the Secretary may buy or condemn, and then it provides that—

> The Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases.

That is to say, after the Government has bought this land, or after it has condemned the land, it may lease any particular piece of land to the man whose land has been condemned or bought, for the period of his life. In other words, they come in and condemn my nice home there, and after they have condemned it and acquired it, then they will give me a lease of it for the balance of my life, but my period of life is getting to be rather limited. I have a daughter who has been going there for 30 years and is just as much attached to the place as I am. I have a couple of grandchildren who are delighted with the place, and we do not care to sell.

Mr. SMOOT. I understand there is no intention whatever of condemning the Senator's land.

Mr. WALSH of Montana. Of course, I do not ask for any special privilege.

Mr. SMOOT. That provision has particular reference to the land here in this valley. The people who live in this little valley, in between the mountains, are settlers who have taken up lands there for farms. They have cattle there, and raise vegetables for the people who come in the park in the summer. They furnish them eggs, and butter, and milk, and things like that. The owners of nearly all those places will have that privilege as long as they live.

Mr. McKELLAR. About how many people live there?

Mr. SMOOT. About a dozen families.

Mr. WALSH of Montana. There is no obligation to do that at all, bear in mind. The Secretary may, if he sees fit to do so, lease the land to those people.

Mr. SMOOT. But that has been the policy, not only in my State but in all the other States, as I remember, where the Park Service has holdings.

Mr. WHEELER. What assurance have we, when there are constant changes in the office of Secretary of the Interior?

Mr. SMOOT. We have the assurance of the statement before the committee.

Mr. WHEELER. That is not binding at all.

Mr. SMOOT. I am perfectly aware of that, but I am saying that that is the policy now. They really assert it here in relation to the Glacier National Park.

Mr. DILL. How long is this power to condemn to continue?

Mr. WALSH of Montana. Indefinitely.

Mr. DILL. It is a permanent law?

Mr. SMOOT. That is the law now.

Mr. DILL. It is not the law now, or a new law would not be required.

Mr. WALSH of Montana. I have endeavored to show that the existing law does not give that power.

Mr. DILL. I heard the discussion before the committee and I heard the representative of the Park Service say that they did not know that they had the power, and they wanted this additional power.

Mr. WALSH of Montana. Mr. President, I earnestly solicit the resolute opposition of this body to any recession from the action heretofore taken approving of both these amendments—first, to cut out the provision in relation to condemnation, and, second, to direct that the appropriate part of the appropriation for the construction of the roads in the national park be applied to the continuance of the work on the transmountain road.

Mr. WHEELER. Mr. President, I heartily concur in all that my colleague has said. I want to call attention to and emphasize one or two points which he made, particularly with reference to Mr. Lewis, who owns the hotel. Mr. Lewis spent a lifetime building up his beautiful hotel, and now the Government wants to go in and condemn it, and what for? Not because it is unsightly. Not because it is not needed. Simply because of the whim of some bureaucrat here in Washington.

There has been no development in road building on the west side of the park until quite recently. The road building has been on the east side of the park, where the Great Northern Railway has built the Glacier Park Hotel, the Two Medicine Camp, the Cut Bank Camp, the St. Mary Camp, the Gunsight Camp, the Going-to-the-Sun Camp, the Many Glacier Camp, the Granite Camp, and the Red Eagle Camp. Immediately after the park was created the Great Northern Railway Co. got a permit from the Government to build and has built magnificent hotels at all these various points.

There was no development on the west side of the park for a long period of time. If anyone wanted to go by automobile from the east entrance to the west entrance of the park, it would be necessary to ship his car from Glacier Park Station to Belton at a great deal of inconvenience and cost. The west side of the park is, in my judgment, the most scenic. In this I may be prejudiced, as I have spent most of my vacations there. But be that as it may, the great bulk of the traffic, both by rail as well as auto, comes, I think to the east side. The greater portion of them never get to the west side at all. First, because there is no means of transportation except by horseback or by train, and because the Great Northern Railway, not having hotels on the west side, quite naturally does not proclaim the beauties of the west side as loudly as it does the east side, where are situated its many beautiful hotels.

There was no road at all through the park and no connecting road across the mountains anywhere. Finally the road was built, and it was within 12 miles of completion when, as my colleague pointed out, the chairman of the subcommittee of the Committee on Appropriations of the House of Representatives, in charge of this matter, came forth and, I am told, simply announced to the people of Montana, without ever consulting with either my colleague or myself, or so far as I am able to learn, either Member of the House of Representatives, that this road construction was going to be stopped. The contractors, who were on the ground and who had built the road, pulled up their equipment and took it away. They had their equipment there, and they moved it out of the park. Consequently, when bids are asked for and a new contract let, the Government of the United States is going to have to pay more for the completion of the road, because whoever gets the contract to build that 12 miles of road now is going to have to move his equipment into the park at tremendous cost. It will have to be brought over the Great Northern Railway and shipped or carried over the mountains, and the work will have to start all over again. This, of course, is all in the interest of economy and sound business as administered and understood by some.

If the Government buys Mr. Lewis's hotel—which the Government will have a perfect right to do if this bill goes through, as it came from the House—then they can say, "Very well; we will lease it to anybody we want to." It has been said that the Great Northern Railway Co. wants to go over on the west side of the park. The Government could simply condemn Mr. Lewis's property and then issue a permit and lease it to Mr. Lewis, who has spent a lifetime building up the property, or to any other person they might see fit.

There is another man by the name of W. C. Whipps, one of the old-timers in Montana, who has a little home at the head of the lake. He was one of the men most instrumental in having this piece of land preserved for the tourists and for the people of the country. He has a little home up there. The Government proposes to come in and say, "We want to condemn your home, too."

Another old-timer out there in Montana is a man by the name of James Conlon, who has a very beautiful little summer home there. He has spent every summer of his life going to this little home. The Government wants to go in and condemn his property and throw him out. He was another one who was instrumental in trying to get legislation so that this magnificent park should be set aside and not be destroyed by those who wanted to go in and cut off the timber.

The Methodist Church has gone in there and bought up 40 acres of land and established a school, where every year a large number of young people go and spend two months at an institute. They have ministers come there from all over the State to speak to the young people. It is not only a religious institution but an educational institution as well.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. Certainly.

Mr. SMOOT. I do not understand there is any intention whatever of disturbing that institution.

Mr. WHEELER. Oh, yes.

Mr. SMOOT. Why does the Senator say "Oh, yes"?

Mr. WHEELER. Because of the fact that the bill gives power to the Secretary of the Interior to do it, and what assurance have we or has any other Senator on this floor that Mr. CRAMTON may not get the idea in his head that for the purpose of preserving the beauties of Montana he might go to the Secretary of the Interior and say, "I want you to take this Methodist school out of there." They do not want that done because of the fact that they do not want this possible threat hanging over their heads and causing them to hesitate in the expenditure of any further money in connection with their property.

Mr. SMOOT. I do not want the Senator to get the idea that at the present time there is going to be any effort to interfere with that church, nor with the Senator's home, nor with the home of the senior Senator from Montana.

Mr. WHEELER. It is perfectly all right for the Senator to say that, but we have not any definite assurance. How would the Senator from Utah like it if we had a Democratic chairman of the subcommittee in the Senate and he would go out to the State of Utah and, without consulting the Senator from Utah at all or ever mentioning it to him, should enter into a tentative agreement with the Park Service that no money shall be used to complete a road unless something else shall be done or unless something else shall happen, or until the people of his State shall do so-and-so.

Mr. SMOOT. I have no doubt my action in the matter represents exactly what I believe.

Mr. WHEELER. Of course.

Mr. SMOOT. But we are up against a condition and not a theory. I have done the best I could.

Mr. WHEELER. I have not any doubt about that. I do not want the Senator from Utah to think for one moment that I have the slightest criticism to offer of his action in the matter.

Mr. SMOOT. For the sake of the record I want it to appear that, so far as I am personally concerned, I understand there will be nothing done that would affect the Methodist school.

Mr. WALSH of Montana. Mr. President, will my colleague yield?

Mr. WHEELER. Certainly.

Mr. WALSH of Montana. Now that the Senator from Utah is on his feet, let me say that it appears that roads are being constructed in all of the parks and it likewise appears that there are lands held in private ownership in all of the parks.

Mr. SMOOT. Every one of them.

Mr. WALSH of Montana. Has the Senator been advised of any other road project that has been suspended until the private lands in the other parks are acquired?

Mr. SMOOT. No.

Mr. WALSH of Montana. This is the only one that has been suspended, is it not? In Zion Park in his own State, they are constructing roads. Are they going to suspend the construction of those roads?

Mr. SMOOT. I think, so far as Zion National Park is concerned, there are no roads. In Bryce Canyon National Park there is a road which I suppose is about completed, but it has taken years to construct it. Not only that but there are other roads that will have to be built in that park sooner or later.

Mr. WALSH of Montana. I am speaking about roads actually under construction in parks where there are lands held in private ownership. The argument is that "if we go on with the construction and completion of this road, the lands at the foot of the lake will increase in value and we do not propose to spend any money there because it will increase them in value; we do not propose to spend any money until we acquire those lands." I want to know if the same condition exists in some other park?

Mr. SMOOT. No; and I do not know that Mr. CRAMTON would acknowledge that to be the case. I want to say to the Senator from Montana that I do not know whether it is the case or not, but I am going to take the Senator's word for it.

Mr. WALSH of Montana. This I do know, that they are constructing roads in the other parks. I do know that in other parks there are lands held in private ownership and no suggestion has been made from any quarter that they are going to suspend construction of any other road.

Mr. SMOOT. In our State we have had very few roads constructed, but I acknowledge that the great Glacier National Park is one of the great scenic wonders of the world. I think the only one that could possibly be superior is the wonderful Bryce Canyon, with all the beauties that there are in Glacier and, in addition, rocks of every known color. It is a marvelous thing. Our national parks are just beginning to be known. I believe, as firmly as I believe I am standing here at this moment, that there will be not only tens of thousands visiting the parks, but that in a short time there will be millions of people from all over the world visiting our national parks. Among the great scenic sights of the world is the Glacier National Park. There is no question about that.

Mr. WHEELER. That is the very reason why the road ought to be completed.

Mr. SMOOT. I do not want the Senator to get the idea that I do not believe it ought to be completed. I know it ought to be completed. There is no doubt about that. But we have not money enough to complete all the roads in all the parks at the present time.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Utah that I agree with all he has said about national parks; but my own view is that what is needed to supplement what we already have is a park in the tropical regions of Florida, where the people can go in the wintertime and visit a national park and see real tropical things which are not to be found in the mountains.

Mr. WHEELER. Mr. President, I want Senators to understand exactly what has been taking place in our State. I would ask the Senator from Michigan [Mr. COUZENS], or the Senator from Nebraska [Mr. NORRIS], or the Senator from North Carolina [Mr. SIMMONS], or the Senator from Florida [Mr. FLETCHER], or the Senator from Texas [Mr. SHEPPARD], who are among those who do me the honor to listen to me, just what they would think if the chairman of a subcommittee of the House entered into a tentative agreement with some branch of the Government by which it was agreed that they would not expend any part of an appropriation that was made by the Congress of the United States of America for national parks or for some other object until, if you please, a certain group of people sold their lands to the Government at some price that he might want to pay for them. I think it is a situation almost without a parallel in the history of the Government for the chairman of a subcommittee of the lower House, without consulting the Members of the Senate who live in the State involved, to take such steps as have been taken in this matter. But because of the fact that he happens to be in this point of vantage, he simply comes out and tells the people in Montana, "You have got to sell these lands, and you have got to do so-and-so, or you will not have any money to complete this road."

What is he gaining by it? There are 12 miles of that road that remain to be completed. As the Senator from Utah [Mr. SMOOT] has said, people coming from Minneapolis, St. Paul, and points east can go to Glacier Park by automobile, but they have to stop at the Glacier Park Station or at some other point on the east side of the park. Then, if they want to go over to the west side with their automobiles, they have to drive a distance of somewhere in the neighborhood, I should judge, of 600 miles and go clear around down through Great Falls, Helena, Missoula, and then up to the west side of the park.

Mr. CRAMTON, chairman of the House subcommittee, is holding up this road, and compelling those people to do that, because of the fact that he wants to force through this proposed legislation.

Let me repeat what I said a moment ago, that Mr. Lewis is probably as much interested in the west side of this park as anybody could possibly be. He has just built a beautiful little gem of a hotel on Lake McDonald; he owns some of the timber that it is proposed to condemn. Mr. Lewis has talked with me personally about the matter and has stated that the last thing in the world he wanted to do was to cut down the timber; that he would be only too glad to sell it to the Government of the United States. There is not any need of legislation to compel him to do so. Mr. Lewis would be delighted to sell the timber to the Government, because it would be more to his interest to see that the timber around Lake McDonald and in that section shall be preserved than it would be to the interest of almost any other one person in the United States, for if the timber around Lake McDonald shall be destroyed it will injure his property. If it should be cut down or burned, it would depreciate the value of his property, and also injure the scenery around Lake McDonald. So he is vitally interested in seeing that the Government shall buy the timber and that it shall not be logged off.

Then, as I have stated, there are about a dozen farmers who, as my colleague, the senior Senator from Montana [Mr. WALSH] pointed out, went in there long before there was any thought of a park; they took up little homesteads along the north fork of the Flathead River; they have built their homes there; they have raised their children there, are perfectly contented, and want to stay there.

The Senator from Utah [Mr. SMOOT] says, of course they will be permitted to live there during their life time; but suppose there shall be a new Secretary of the Interior, and suppose some official of the Park Service should come along and say "I am not going to issue any more permits." Now, let me ask Senators what assurance have we that such a thing will not happen?

Mr. SMOOT. But, Mr. President, I will say to the junior Senator from Montana that such permits will be issued; there is not any doubt about it.

Mr. WHEELER. Yes; but, if the Senator will wait a minute, let me point this out: At the head of Lake McDonald are two sisters, who have a little cottage of about two or perhaps three rooms. When they bought that little cottage I think they were paying $5 for their permit. The price of the permit was raised, I think, first, to $15, then to $25, then it was raised to $50, and I do not know but now it has been raised to $75. Every year or two the Park Service has gone ahead and raised the price of the permits to those two sisters who have this little summer home where they come each year. The Interior Department has a perfect right, under its rules and regulations, to raise the price of the permits. What assurance have the farmers there, indeed, what assurance has anybody who secures a permit there, that he is not going to be subjected to the whims of the head of some bureau in the Interior Department?

Mr. SMOOT. Mr. President, is the junior Senator from Montana sure that those permits are issued annually?

Mr. WHEELER. They are issued annually. I know that because of the fact that I have a cottage there of my own.

Mr. SMOOT. I know that in many cases permits are issued for 10 years.

Mr. WHEELER. But, as I have stated, I have a cottage there and I am familiar with the practice.

Mr. SMOOT. I am not disputing what the Senator has stated, but I was just asking the Senator if he knew the fact he has stated of his own knowledge.

Mr. WHEELER. Before I was elected to the Senate I had a cottage up there at the head of Lake McDonald, and a permit was issued to me every year.

Mr. SMOOT. The Senator knows that fact, then?

Mr. WHEELER. Yes; there is not any question about it.

Mr. SMOOT. Ordinarily, I will say, such permits are issued for 10 years, and I know in some cases, such as that of the Methodist Association, they have been issued for a longer time than that.

Mr. WHEELER. Permits have never been issued for a longer time than a year in Glacier Park. I do not know whether, under the law, the Interior Department would have the right to do so, for I have never looked into the matter.

Mr. WALSH of Montana. Mr. President, the law provides for the issuance of permits from year to year, and more than 10 years ago the Interior Department announced its policy not to issue any more permits at all, and none are now issued.

Mr. WHEELER. No one can get a permit there now. I bought a log cabin, the previous owners of which had received a permit away back, I think, in 1913 or in 1914. They trans-

ferred that permit to me, and it has since that time been reissued to me every year.

Mr. FLETCHER. What does a permit cover? Why not call it a lease? Why call it a permit?

Mr. WHEELER. It is called a permit; that is all.

Mr. FLETCHER. Does a permit give any special privileges other than to occupy the land?

Mr. WHEELER. It merely gives the privilege to occupy the property.

Mr. WALSH of Montana. To occupy it from year to year.

If my colleague will permit me, Mr. President, I desire to say that I had yesterday morning a very appealing letter from Mr. Robert Underwood Johnson, one time, as my recollection now serves me, ambassador to Italy, who, as my information goes, has passed 80 years of age. He writes me in the most appealing kind of way, referring to his long association with John Muir, about the absolute necessity of acquiring all lands within the national parks. He speaks of it as if it were something very close to his heart.

The idea is to get everybody out of the parks. Under that situation of affairs what reason have we to suppose the Secretary of the Interior may not be induced, by those who feel so keenly about it, not to issue life leases or permits to the people who are now there? If, after my death or after the death of the homesteaders in the park, it is the policy of the United States and to the interest of the United States to acquire the lands, it is likewise to the interest and to the policy of the United States to acquire them now. So that the present system is merely a concession which the present officers of the department seem quite willing to accord; but how do we know that that policy is going to be continued?

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. Yes.

Mr. SMOOT. This is the attitude of the department as set forth in the testimony of officers of the department:

> We have, as you see, a provision here that as part consideration for the purchase of the land the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantor for periods not to exceed the life of the grantor and a matching of the funds, etc.

I know that is the policy of the department, and I know that is provided for in the law. Under such conditions the department could not oust those who are there.

Mr. WHEELER. Of course, if the department granted a lease good for life they could not be ousted.

Mr. SMOOT. And it is stipulated that the granting of the lease is to be considered as a part payment for the land.

I do not deny what the Senator says; I merely call attention to what I know to be the general policy of the department.

Mr. SIMMONS. But it is left to the discretion of the Secretary of the Interior.

Mr. WHEELER. Yes; it is left in his discretion.

Mr. SMOOT. I know in this case the department is going to act in accordance with the policy it has announced, as it has done in other cases.

Mr. WHEELER. But we may have another Secretary of the Interior; we may have another head of the National Park Service. By the time this bill passes we do not know who is going to be Secretary of the Interior, and we do not know who is going to be at the head of the National Park Service. So, if this provision is allowed to remain in the bill, it will be tantamount to subjecting the Methodist society, who bought 40 acres of land and are carrying on an institute at that place, to the hazard of being dispossessed at almost any time.

Let me ask the Senator, To what better use could the park be put than to have the Methodist societies carry on their institute—the Epworth League, I think it is called—and have their speakers come there during two months of the year? Young people go there; they are enabled to leave the cities and to spend time in a place where they can have a wholesome outdoor life. Frequently noted persons, visiting the park from all parts of the world, come to the institute and are glad to talk to the young people who go there.

Mr. SMOOT. Mr. President, there could not possibly be a better use made of the park than that. It is being done all over the West. There is hardly a canyon in Utah where there are not buildings for such organizations, where young people may come. Different organizations are provided for, and they hold their meetings every year for at least two months. It is a wonderful thing for those who participate not only from the health standpoint but also because of the teaching of morality under the care of those who are sent to look after them. I have not any idea that they will ever be interfered with. I can not conceive of any man who is worthy to be Secretary of the Interior putting a stop to a great program so beneficial not only physically but morally and spiritually and preventing the park being used for such desirable purposes.

Mr. WHEELER. It is just as conceivable to me that that should take place as it is that the chairman of the subcommittee of the committee of the House Appropriations Committee should go to the Park Service and enter into a tentative agreement with its officials that the Park Service could take the action which is here proposed without ever consulting the Senators from Montana, who are supposed to represent the State, and seek to enact this legislation over our heads, disregarding us entirely. I say that there is not a Member of this body who would not resent such action as that on the part of the chairman of a subcommittee.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Montana yield to his colleague?

Mr. WHEELER. I yield.

Mr. WALSH of Montana. If my colleague will pardon me, the Members of the House from the State of Montana have not been consulted about the matter.

Mr. SMOOT. They must have known when the bill was before the House what it contained, did they not?

Mr. WALSH of Montana. The policy was announced last summer, and so definitely was it announced that the contractors removed their equipment.

Mr. SMOOT. If this conference report shall be adopted as it is, the House Members will have all the time they want to consider the matter, because the conferees on the part of the Senate have not agreed, I wish the Senate to understand, to these three amendments.

Mr. WHEELER. The trouble with agreeing to the report is that we know perfectly well that if the conference report shall be agreed to as it is, there will be a demand to put it through, and then, under such circumstances, the pressure of the closing days of the Congress will be so great, the demand so strong, and those having items in the appropriation bill will be so anxious to have it put through, that one Member of the House of Representatives will be able to dictate and say just what kind of legislation the bill shall contain with reference to Montana, and the Representatives from Montana will have no voice and nothing to say as to what shall be done.

Mr. SMOOT. This is the only way that the conferees could act in order to secure action here on the conference report. The conference report has got to go back again; it is not a complete report, as I have said.

Mr. WHEELER. It is complete except as to two or three items, is it not?

Mr. SMOOT. Except as to three items—the two items that have been spoken of here and an item as to placing the superintendent of an Indian agency in Oklahoma under the civil service.

Mr. FLETCHER. Mr. President, may I make an inquiry of the Senator from Utah?

Mr. WHEELER. I yield.

Mr. FLETCHER. The object, then, is to approve the conference report so far as it has been agreed on?

Mr. SMOOT. Yes; so far as it has been agreed on.

Mr. FLETCHER. And have the amendments still in disagreement go back to conference?

Mr. SMOOT. To go back to the House.

Mr. FLETCHER. I should like to ask one further question, if the Senator from Montana will permit me. As I understand the situation, the bill carries an appropriation of $5,000,000 for the construction of roads in national parks, without specifying in detail where the money is to be expended.

Mr. WHEELER. That is it exactly.

Mr. FLETCHER. Then who decides where the $5,000,000 shall go?

Mr. WHEELER. Apparently, Mr. CRAMTON.

Mr. FLETCHER. No; I mean under the bill.

Mr. WHEELER. Under the bill, the Secretary of the Interior; but the department say that they have entered into an agreement with the subcommittee of the Appropriations Committee of the House that none of this money shall be spent on the completion of this road.

Mr. SMOOT. Is that in the House hearings?

Mr. WHEELER. That was in the Senate hearings. My colleague [Mr. WALSH] spoke of it; and, as I recall, we also asked the representative who came down from the Park Service.

Mr. WALSH of Montana. I will call attention to it.

Mr. SMOOT. I remember that the Senator brought up the question when he was before the committee, but I do not remember the details of it now. I will look it up.

Mr. WHEELER. I do hope, therefore, that the Members of the Senate will not place the people of the State of Montana in the position of simply being at the mercy of some one who says, "We are going to enact legislation for Montana regardless of whether or not the people of Montana want it, and regardless of whether or not their Representatives in Congress want it. We will not even do them the courtesy of consulting them about it, nor will we consult the Park Service about it."

There is very little property there that is owned by anybody. There is some property down here at the foot of Lake McDonald, 3 miles from the entrance of the park, that was owned by homesteaders before the park was established, and they have sold some lots down there to various people who have built a few homes down there.

Mr. SIMMONS. Mr. President, does this road run through that property?

Mr. WHEELER. Yes. The road originally ran from Belton up to the foot of the park. That has been there for some time. Then they built a road around the lake here. There are a few houses here at the foot of the lake, and that road has been there for a long time.

Mr. SIMMONS. I have been listening to the Senator with interest, and what I wanted to ask him was this: Does the unfinished part of that road, 12 miles, run through this property?

Mr. WHEELER. Oh, no; that unfinished part of 12 miles is away up here in the mountains, probably 40 miles away.

Mr. SIMMONS. The Senator says the department take the position that they will not finish that road, away up in the park, until some people owning property down at the bottom of the park enter into arrangements with the Government for its acquisition?

Mr. WHEELER. That is the position they have taken.

Mr. SIMMONS. If the Government needs that property, has it not the right to condemn it?

Mr. WHEELER. Under the law they have not the right to condemn it at the present time. They are asking for the right to go in there and condemn it; but none of this land is needed by the Government at all. There are about six homes up there—not to exceed that number, I believe—at the head of the lake; and then there is the Lewis Hotel, and then there are probably 15 or perhaps 20 houses—I do not recall how many—down at the foot of the lake.

Mr. SMOOT. There are some few houses on the east side.

Mr. WHEELER. Right across here one man by the name of Kelly has a homestead, and he has built a few cabins over there. Then there are these farms up there.

Mr. SMOOT. Then there are some houses here.

Mr. WHEELER. No; there are no houses here. I am very familiar with that country, because I visit there every summer. There are some at the foot of the lake, but there are no houses along here at all. The only place where there are any is up at Lewis's Hotel. There are a few houses along by Lewis's Hotel, where he has sold to people who have been coming there year after year.

Mr. SMOOT. I have photographs of all the houses on the lake, and I thought there were a few on this side. They may have been on that side.

Mr. WHEELER. No; there are a few on this side of the lake, right around this bend. At the very foot of the lake there is a road. The road goes right down to the foot of the lake; and prior to that road being built, if you wanted to get to the head of the lake, you took a boat and went across the lake to get up to where my colleague's home is, and where the rest of these few homes are.

There is not a possibility of those few homes doing the park any injury at all at the present time. These people have acquired that small amount of land; they have built their little homes there; and they have been going there year after year. Now, as I say, the park authorities simply want to take their property away from them, take the Methodist property away from them, take Mr. Lewis's Hotel away from him, take Mr. Kelly's home away from him, where he has been living for, I should judge, at least 20 years, and take these farms along up here; and then they say, "But the Secretary of the Interior can, if he wants to, issue a permit to you."

I do not own any property in the park except a house, so I am not in any wise interested because of owning any land there. My colleague [Mr. WALSH] has had a very beautiful log house there for many years. He owned that home long before the park was established; and, of course, they could go in there and condemn his property, or they could condemn the property of anybody else that they saw fit, and you would constantly be under the threat that they would not renew your permit if it was the way it is at the present time.

I sincerely trust that the Senate will not let the Committee on Appropriations of the House simply dictate to the Senate and tell us just what kind of legislation we have to have for Montana, when they have not even done us the courtesy of consulting with us concerning the matter.

Mr. WALSH of Montana. Mr. President, if my colleague will pardon a further interruption——

Mr. WHEELER. Yes.

Mr. WALSH of Montana. I can answer definitely the inquiry addressed to him by the Senator from North Carolina [Mr. SIMMONS]. The answer to his question is found at page 29 of the hearings before the Senate committee.

Mr. Demaray, representing the Park Service, is before the committee:

Senator WALSH. Let me ask you this: If you had the money would you go on with this work?

Referring to the road work.

Mr. DEMARAY. If we had the money and were able to proceed under this acquisition of privately owned lands over there, we would certainly want to go right along with it.

Senator WALSH. Yes. Suppose that that were taken out, what would your attitude then be about the completion of this work?

Senator SMOOT. You mean if the appropriation was made?

Senator WALSH. Yes.

Mr. DEMARAY. If that was done, Senator, I would have to say frankly that as far as we were concerned we would follow the wishes of Congress however they might be expressed.

Senator WALSH. The whole discretion is vested in you now. Congress makes an appropriation for roads and trails in the parks. What would you do with respect to this road?

Mr. DEMARAY. In view of the fact that, as you know, it is the understanding with the House Appropriations Committee that we would not go ahead——

Senator WALSH. Exactly——

Mr. DEMARAY. With this, but we will certainly follow the directions of Congress.

Senator WALSH. Oh, Congress! If Congress tells you to go on, you will go on.

Mr. DEMARAY. Certainly.

Senator WALSH. But if the discretion is left with you, you will be bound by an understanding with the House Committee on Appropriations to suspend construction on this road.

Mr. DEMARAY. I think we would have to be bound.

Mr. WHEELER. That is all I have to say about the matter; but I do appeal to the Senate not to permit us to be placed in this position and not to subject the people who are living out there to this unbelievable hardship.

Mr. NORRIS. Mr. President, before the Senator from Montana yields the floor, I want to bring him back to the question before the Senate, and that is the cruiser bill. This has a relation to the cruiser bill, I confess, but I think the Senator has wandered just a little bit away from the real object of the bill.

I should like to inquire of the Senator about these lakes that we see on the relief map. For instance, how long is Lake McDonald?

Mr. WHEELER. Ten miles.

Mr. NORRIS. It is navigable, is it?

Mr. WHEELER. Oh, yes.

Mr. NORRIS. Are there boats on it?

Mr. WHEELER. Oh, yes.

Mr. NORRIS. Are there boats on these other lakes?

Mr. WHEELER. Yes.

Mr. NORRIS. Is there some commerce there?

Mr. WHEELER. There is some commerce there; yes.

Mr. NORRIS. That is the only way you have to get about there, is it not?

Mr. WHEELER. That is the only way.

Mr. NORRIS. This makes it apply directly to the cruiser bill. I was very greatly impressed with the eloquent speech made by the Senator from Maine [Mr. HALE], the chairman of the Naval Affairs Committee, and to-day by the likewise eloquent speech made by the Senator from Virginia [Mr. SWANSON]. In both of these speeches the leaders on that question on both sides of the Chamber laid great emphasis on the fact that we needed these cruisers in time of peace to protect the commerce of the country. Does the Senator, after he has made this speech interesting us in this park, contemplate offering an amendment to the cruiser bill to provide for the building of some cruisers on these lakes to protect the commerce there in time of peace?

Mr. WHEELER. Of course, we are very near the Canadian border, and there is a great deal of commerce coming between Canada and the United States; but I do not know whether these lakes are used for that kind of commerce.

Mr. NORRIS. I suppose there would be some objection to that, because we have an agreement with Canada not to build

fortifications on the boundary line; but if it is necessary to have these cruisers in time of peace—and it seems to be from the arguments of these gentlemen—these cruisers are not so necessary in time of war; but in time of peace we must have them to protect our commerce—why should we not protect the commerce right where the commerce is? Therefore, I can not understand why the Senator is not just as much entitled to have some cruisers on those lakes as we are entitled to protect the commerce in time of peace in South America, for instance.

Mr. WHEELER. Kenter Lake, of course, is very near the border; so is Wetterton Lake.

Mr. SMOOT. We can use the obsolete ones there.

Mr. NORRIS. No; I heard what the Senator from Utah said about putting the obsolete cruisers there. In the first place, it would be difficult to convey those obsolete cruisers, even though they are obsolete, from the places where they are over to these mountain lakes; but there is not any reason why Montana or Glacier National Park should not have the same protection for their commerce in time of peace as anybody else, and they ought not to be required to use obsolete cruisers. They ought to have the newest and the best that there are.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WHEELER. I do.

Mr. BRUCE. I just want to remind the Senator from Nebraska that if they had cruisers on those waters they would probably have to be like the gunboats that President Lincoln said could run on a heavy dew.

Mr. NORRIS. Well, if there is any commerce on a heavy dew, I do not see why we should not want to protect it; and certainly we ought to have a cruiser for the purpose.

Mr. WHEELER. I yield the floor.

Mr. BRUCE obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. BRUCE. Certainly.

Mr. WHEELER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Sackett
Barkley	Fess	McMaster	Schall
Bayard	Fletcher	McNary	Sheppard
Bingham	George	Mayfield	Shipstead
Black	Gillett	Metcalf	Smoot
Brookhart	Glass	Moses	Steiwer
Broussard	Glenn	Neely	Stephens
Bruce	Hale	Norbeck	Swanson
Burton	Harris	Norris	Thomas, Idaho
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Copeland	Hayden	Phipps	Vandenberg
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Johnson	Ransdell	Warren
Dale	Jones	Reed, Pa.	Waterman
Dill	Kendrick	Robinson, Ark.	Wheeler
Edge	Keyes	Robinson, Ind.	

Mr. McKELLAR. My colleague [Mr. TYSON] is unavoidably detained from the Chamber on account of illness.

Mr. WHEELER. I desire to announce that the Senator from North Dakota [Mr. FRAZIER], the Senator from Oklahoma [Mr. PINE], and the Senator from New Mexico [Mr. BRATTON] are engaged in a hearing before the Indian Affairs Committee.

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1275. An act to create an additional judge for the southern district of Florida;

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit;

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectrians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc).;

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine.

SIGNING OF THE MULTILATERAL PEACE TREATY

The VICE PRESIDENT. The President of the United States has authorized me to state that he will sign the multilateral treaty at 10 o'clock to-morrow morning in the East Room of the White House, and will be glad to have present any Senators desirous of attending that ceremony.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WALSH of Montana. Mr. President, the question now before the Senate is approval of the action of the conference committee with respect to the items concerning which they have agreed; that is all. Neither I nor my colleague have any objection to that. We have spoken about the matter of the one amendment because it may come up at a later time.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

UNITED STATES TARIFF COMMISSION

Mr. BRUCE. I introduce a bill which I ask may be read by its title.

The bill (S. 5399) to amend the laws relating to the United States Tariff Commission was read twice by its title.

Mr. BRUCE. Mr. President, this is a bill of uncommon importance, in my judgment, and I desire to follow up its introduction with a few explanations. It is entitled "A bill to amend the laws relating to the United States Tariff Commission."

At the present time scenes are being reenacted before the House Committee on Ways and Means which have often been enacted before that committee. In other words, a general tariff revision is under way. The tariff trough, filled with tariff increases, has been placed in position, and the pigs, big and small, are gathered about it and are grunting and squealing and jostling and fighting each other.

Some will secure a much larger measure of tariff favor than they will be entitled to, others will not be quite so fortunate, but very, very few, it is fair to predict, will be less fortunate than they shall deserve to be. And there will be no representative of the great consuming American public, free from political pressure, to see to it that the interests of the public are properly taken care of.

The bill provides, first, that the present United States Tariff Commission shall be continued, and that it shall—

be an agency in the legislative branch of the Government primarily to aid the Congress in the exercise of its legislative functions relating to customs duties.

The bill further provides that the commission shall be composed of 12 commissioners appointed by the President by and with the advice and consent of the Senate, and that any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause.

It further provides that—

Not more than six commissioners shall be members of the same political party, and that in making the appointments members of different major political parties shall be alternately appointed as nearly as may be practicable.

It further provides that—

No individual shall be eligible for appointment to the commission who at any time within the preceding five years has been engaged in any business or employed in connection with any business the interests of which have been or are likely to be represented in proceedings before the commission.

It further provides that—

No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

It further provides that the terms of the commissioners in office at the time of the passage of the bill shall not be affected by the provisions of the bill, except that any such commissioner may be removed for the causes and in the manner specified in the bill.

Then, after making special provision for the length of tenure of the first members of the commission, the bill provides that the commissioners shall serve for 12 years.

The bill further provides that the commission shall annually select from its members a chairman and a vice chairman who shall not be members of the same political party, and that—

such selection shall be made as nearly as may be practicable on the basis of seniority in service and of rotation in office.

It further provides:

The commission shall from time to time divide itself into divisions of one or more members and assign commissioners thereto and in case of a division of more than one member designate the chief thereof.

It further provides that—

If a division as a result of a vacancy or the absence or inability of a member assigned thereto to serve thereon is composed of less than the number of members designated for the division, the commission may assign other members to the division.

Then it is provided that a division shall hear and determine any matter assigned to it by the commission, but that the determination of the division may be reviewed by the commission within such time as the commission may by rule specify.

Then it is further provided that—

In any such review no additional opportunity for hearing need be had—

And that—

any determination of a division which is not reviewed by the commission within the time so specified shall have the same force as if made by the commission—

And—

shall be considered as a determination of the commission.

It is further provided as follows:

In accordance with the rules of the commission each division shall, as to any matter assigned to it, have all the jurisdiction and power conferred by law upon the commission and be subject to the same duties and obligations as the commission.

I pause at this point to say that the present number of the Tariff Commission is doubled and that those arrangements for divisions of the commission are inserted in the bill because of the fact that experience has shown that much unavoidable delay in reaching decisions has attended the deliberations of the present Tariff Commission.

The bill further provides that each commissioner shall receive a salary at the rate of $12,000 a year, and then comes this most significant feature of the bill:

There shall be an office in the legislative branch of the Government to be known as the office of the public relations counsel of the United States Tariff Commission. The office shall be in charge of a counsel to be appointed by the President, by and with the advice and consent of the Senate. The counsel shall be appointed for a term of 12 years and shall receive a salary of $10,000 a year. No individual shall be appointed as counsel who has been engaged in any business or employed in connection with any business the interests of which have been or are likely to be represented in proceedings before the commission. The counsel shall not actively engage in any other business, vocation, or employment than that of serving as counsel.

That I regard as one of the most important features of the bill. The idea of having a people's counsel, if I may use that phrase, attached to the Tariff Commission is that whenever an application is made to the commission for an increase of duty or the like there should be some official on hand to represent especially the welfare of the general American public.

The creation of such an official by the bill is borrowed from the provisions of the public service commission law of the State of Maryland. By that law provision is made for the appointment of a people's counsel, whose duty it is, whenever there is an application for an increase in the rates of any public utility, to see that the interests of the public are properly protected.

The language of the bill in this connection is as follows:

It shall be the duty of the counsel to appear in the interest of the consuming public in any proceeding or investigation before the commission, and to conduct such independent investigation of matters relative to the tariff laws of the United States as he may deem necessary to enable him properly to represent the consuming public in any proceeding before the commission.

Then the bill further provides:

The counsel is authorized to appoint such assistant counsel and experts, and, subject to the civil service laws, such clerks and other employees as may be necessary for the execution of the duties vested in him, and may fix the salary of any such assistant counsel, experts, clerk, or other employee, subject to the classification act of 1923, as amended. The counsel may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the duties vested in him. The principal office of the counsel shall be in the District of Columbia, but he may, personally or through such agents as he may designate, prosecute any investigation or do any act necessary to the performance of his duties in any part of the United States or in any foreign country.

Then follows a section of the bill which defines the powers with which the reorganized commission contemplated by the bill shall be clothed. This section is section 4 (a), and reads as follows:

The United States Tariff Commission shall from time to time, upon application of any interested party or upon its own motion, determine upon, for recommendation to the Congress, changes in the laws prescribing custom duties. Any such change shall be in one or more of the following forms: A change in the rate of duty, including the transfer of any article from the dutiable list to the free list or from the free list to the dutiable list; a change in the form of duty; a change in classification; or a change of the basis of valuation to the American selling price (as defined in section 402 (f) of the tariff act of 1922) of any similar competitive article manufactured or produced in the United States. A statement of any change so determined upon by the commission shall thereupon be transmitted to both Houses of Congress, or if the Congress or either House thereof is not in session, then to the Secretary of the Senate and/or the Clerk of the House of Representatives, as the case may require. The statement shall be accompanied by a report of the commission with respect to the change, together with any minority report that may be made by any member of the commission. Any such change so recommended to the Congress shall have the force and effect of law if the change is approved, with or without modification, by act of Congress. In such event the change—or, if modified, then the change as so modified—shall take effect upon such date as may be provided by the act of Congress approving the change. If so approved, the change shall apply with respect to articles imported from any foreign country into the United States or its possessions, except the Philippine Islands, the Virgin Islands, the islands of Guam and Tutuila, on and after the date the change takes effect under this section.

Then it is further provided, as follows:

No change in the laws prescribing customs duties shall be recommended to the Congress under this section unless the determination is reached after an investigation by the commission, during the course of which the commission shall have held hearings and given reasonable public notice of such hearings and reasonable opportunity to the parties interested to be present, to produce evidence, and to be heard. The

commission is authorized to adopt such reasonable rules of procedure as may be necessary to execute its functions under this section.

The bill then proceeds to repeal the flexible clause of the present tariff act and to exclude the President entirely from the function of tariff making. Then follow several sections assembled under the head Unfair Practices in Import Trade, which I do not deem of sufficient importance to be called in detail at the present time to the attention of the Senate.

The bill is an enlargement of the recommendation made a few months ago to the Senate by the special tariff investigating committee appointed by the Vice President, of which I happened to be a member. The other members of the commission were former Senator Wadsworth, of the State of New York, whose connection with the committee unhapplly came to an end before the committee rendered its report; the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Pennsylvania [Mr. REED].

Of course, I have no expectation that any final action will be taken with reference to the bill at the present short session of Congress, but I do trust that at the next session of Congress, or some succeeding session of Congress, its merits will be thoroughly considered by Congress, and that ultimately it will become one of the laws of the land.

Personally, as to nothing could I be more completely satisfied than that at some time in the future tariff reform in this country will move along the grooves of this bill. The advantages of such a bill, if it could only be enacted, are almost too manifest to be closely considered. It tends, of course, to substitute economic and business methods of tariff administration for political tariff administration. It tends to break up the practice of exchanging tariff favors for campaign or other political services by corporations or individuals. It secures a patient, painstaking, and exhaustive hearing for every manufacturer or industrialist in the country who comes to Congress for the measure of relief to which he believes himself to be justly entitled.

With nothing have I been more struck in my relations to the present Tariff Commission than the thoroughness, whatever may be the criticism to which it is justly subject in other respects, with which it does its work. With its staff of experts it goes most deeply and efficiently into every tariff problem that is laid before it.

It is, of course, almost impossible for a committee of Congress, no matter how conscientious or industrious it may be, to give to any tariff question the same degree of searching inquiry that it is possible for a tariff commission such as I have in mind to give to it. Above all, under the scheme of the bill, whenever there is an application made to the Tariff Commission for an increase of duty, there will be an official whose peculiar duty it will be to safeguard the interests and welfare of the general American public. For that purpose he is empowered by the bill as people's counsel, so to speak, to select an assistant and to surround himself with a staff of experts and to ask for and receive all facilities of every sort that may be necessary to enable him to discharge his duties faithfully and effectively.

In conclusion, let me say, in general terms, that what I am seeking is the creation of a tariff commission that would occupy a position of aloofness and dignity not unlike that of the Interstate Commerce Commission, and would in time, like that body, acquire a degree of prestige that would create a strong presumption in favor of the soundness of its conclusions in the mind of Congress.

I now ask that the bill may be appropriately referred.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

PROHIBITION ANNIVERSARY

Mr. SHEPPARD. Mr. President, nine years ago to-day national prohibition in the United States began.

Since its initial day, January 16, 1920, the day the eighteenth amendment went into effect, five Congresses have been elected.

Each of these Congresses has had a larger number of Senators and Representatives favorable to prohibition than the preceding one.

Inasmuch as a third of the Senate and all the House are chosen every two years it will be seen that since 1920 every seat in the Senate has been subjected to the test of at least one election, two-thirds of its seats having been voted on twice, while the entire membership of the House has faced the polls five times.

In the election of 1920 prohibition developed a gain over its strength in the existing Congress which had been elected in 1918 and which had passed the Volstead Act, the measure providing the enforcement machinery for the eighteenth amendment.

The election of 1922 brought about a further increase in the prohibition ranks in Congress.

Similar results followed the elections of 1924, 1926, and 1928.

It is safe to say that in the Congress elected in 1928 and which is soon to come into existence, prohibition will have such tremendous majorities in both House and Senate as to make any effort to repeal or to liberalize the eighteenth amendment or the Volstead Act rash beyond reason and the culmination of absurdity.

What more convincing indication could be had of the fact that the American people desire the continuance of nation-wide prohibition than the record of the personnel of the five Congresses following its advent?

The struggle with beverage alcohol is one of the oldest and most familiar features of American history.

In 1622, only 15 years after the first landing at Jamestown and but 2 years after the Pilgrims disembarked at Plymouth Rock, the council of the London Co. advised Sir Francis Wyatt, Governor of Virginia, to restrain the evil of drinking to excess, saying, "The cry whereof can not but have gone to heaven."

In 1629 the Massachusetts Bay Co. suggested to Governor Endicott that steps be taken to shield the Indians from the "excessive use or, rather, the abuse of strong waters."

Throughout the Colonies restrictions were imposed on the liquor trade with the impossible objective of keeping it within orderly channels. Perhaps the earliest form of prohibition was found in colonial laws forbidding the sale of intoxicants to apprentices, servants, and negroes, and the inborn lawlessness of the traffic obtained perhaps its earliest expression in the illegal liquor joints, or speakeasies, which were operating in defiance of these laws, a form of bootlegging more than 200 years older than national prohibition. And yet we are told that the bootlegger is a product of modern prohibition.

Smuggling of liquors to avoid revenue and customs laws also began at an early date among the Colonies.

In 1658 Maryland deprived freeholders of the right to vote when convicted of drunkenness for a third time, a forerunner of the Baumes law with violators affording a pristine example of the latter-day repeater.

So disastrous was the liquor habit among the Indians, due to introduction of intoxicants by whites bent upon profit, that the Allegheny Indians in 1738 took steps preventing the use of such beverages among themselves.

In 1754 a Creek Indian delivered an eloquent and impressive attack on the traffic in intoxicants. He condemned a system which coined its profits from the debauchery of human beings and indicated the degradation and shame that would follow such a course. This article was published in London in 1754 and was entitled "Speech of a Creek Indian Against the Immoderate Use of Spiritous Liquors." It was much more, however, than a denunciation of immoderate use. I pause here to assert that the pursuit of monetary gain by the liquor trade in the United States more than a hundred years later led to its expansion on such a scale that it became a colossal menace to life and health and happiness, to the integrity of government and law, and forced its own destruction as a legally recognized institution in this country.

In 1686 Increase Mather and John Moody delivered sermons at the execution of James Morgan, who had committed murder while under the sway of strong drink, and both took occasion to denounce the destructive effect of the drink habit on the youth of that time. They went so far as to say that it was "weakening the fiber of the younger generation." Those who describe drinking by the young as a creation of the eighteenth amendment and the Volstead Act are commended to a study of these statements of nearly 250 years ago.

Toward the end of the seventeenth century Cotton Mather, taking up the temperance work of his father, remarked that excessive drinking was about to "drown Christianity."

Then came Benjamin Wadsworth and Samuel Danforth, preaching and writing against intemperance; and in 1754 a publication by the Hartford Courant arraigning the drink evil, obtaining wide currency, and having for its subject the following:

Tryal of Sir Richard Rum. At a court held at Punch Hall in the colony of Bacchus.

Among the temperance leaders of the eighteenth century in the American Colonies there was none more earnest, more untiring, or more effective than Thomas Chalkley. Vividly did he picture the terrors of drunkenness and zealously did he preach in order to save the generations about him from temptation or to reclaim them from indulgence.

No man of that age viewed with more concern the rapid rise of public houses where liquors were retailed than Benjamin Franklin. In 1744 a Philadelphia grand jury, of which he was foreman, recommended that the number of these establishments be restricted, claiming that they were responsible—

for the increased number of the poor, the common use of profane language in the streets, and the growing indifference to God and religion.

The first settlement in Georgia was established in 1733; and in 1735 the trustees prohibited the liquor traffic throughout the Colony. This was the first instance of prohibition in the Western Hemisphere—an instance occurring nearly 200 years ago. The rum runner immediately appeared; rum runner, a term supposed by many to apply only to the present prohibition era.

The rum runner and the bootlegger proved to be too strong for the little colony. Commercial consideration also prevailed and the House of Commons at London about 1749 ordered the repeal of the prohibition decree. How different the results following nation-wide prohibition in the United States nearly two centuries afterward! The rum runner and the bootlegger have hammered in vain against the foundations of the greatest moral movement of the ages and national prohibition in America gathers strength and prestige with the years.

By this time the liquor habit, despite all the efforts of temperance workers and teachers and enthusiasts to arrest it, had secured an almost universal hold on American colonial life. Intemperance became so general that the necessity for continued action against it was alarmingly apparent. Jonathan Edwards and John Woolman joined the ranks of those who pleaded for temperance, but the most active crusader was Anthony Benezet, who in 1774 issued a printed attack on ardent spirits, in which he attempted to show that the ravages of drink were comparable to the horrors and losses of war.

In 1778 Dr. Benjamin Rush, of Philadelphia, physician general of the Middle Department of the Continental Army, issued a pamphlet entitled "Directions for Preserving the Health of Soldiers." In that treatise he combated the belief then prevalent that distilled spirits strengthened the body for labor and protected it against fatigue and heat and cold. He took the position that camp diseases were encouraged and not repressed by the use of such spirits. He recommended lighter beverages, such as beer and ale. While this publication had no effect on army policy, it marked the beginning of a more intensive and scientific study of the effect of alcohol on the human body.

In 1784 Doctor Rush published another treatise called "An Inquiry Into the Effects of Spirituous Liquors on the Human Body and Mind." Reasoning from cases within his own experience he held that distilled spirits long used, even in moderate quantities, would induce serious mental, nervous, and physical complications. Again he commended a lighter form of drink to take the place of ardent spirits. This pamphlet won general and favorable notice throughout the country and was used for many years as a reference manual by promoters of temperance.

A group of business men in 1789 pledged themselves to carry on their respective enterprises without furnishing the workers distilled spirits, but to serve them such drinks as beer and cider instead. This is said to be the first instance of organized abstinence from ardent spirits in America. A similar pledge was circulated in Virginia in 1800 and received the signatures of many farmers. During the last decade of the eighteenth century a number of teachers in various colleges joined the clergy in denouncing intemperance and the newspapers to an increasing extent began to publish articles favorable to temperance.

In 1790 the College of Physicians of Philadelphia petitioned Congress for heavy duties on distilled spirits as a method of aiding temperance, stating that—

the habitual use of distilled spirits in any case whatever is wholly unnecessary; that they neither fortify the body against the morbid effects of heat or cold, nor render labor more easy or productive; and that there are many articles of diet and drink which are not only safe and perfectly salutary, but preferable to distilled spirits, for the abovementioned purposes.

Thus the physician joined the preacher, the teacher, and the student in combating the widespread evil of intemperance; and thus at the beginning of our present system of government about 140 years ago the people of the United States were being taught that a real liquor question, involving morals, health, prosperity, and progress, all the fundamentals of free institutions, confronted them.

Doctor Rush did not confine himself to the composition of treatises. He overlooked no effort to carry his teachings to every part of the country. In spreading his doctrine he was capably assisted by Jeremy Belknap in New England and Dr. David Ramsay in the South.

A copy of Doctor Rush's famous essay of 1784 came to the notice of Dr. B. J. Clark, a physician of the town of Moreau, in Saratoga County, N. Y. So impressed was Doctor Clark that, with his pastor, Rev. Lebbeus Armstrong, he organized, on April 30, 1808, the Temperance Society of Moreau and Northumberland. Its membership, drawn from the citizens of Moreau and the near-by town of Northumberland, pledged itself for one year to use no rum, gin, whisky, wine, or distilled spirits, or composition of the same, except by advice of a physician or in case of actual disease. Each member agreed to do what he could to diminish the use of liquor among laborers.

This, the first temperance society in the United States, set the pattern for subsequent societies, and its formation has been said to mark the birth of the temporance reformation. The members of this pioneer body came soon to understand that the effect of intoxicants on the efficiency of labor was one of the most urgent reasons for temperance.

On this society a writer of note makes the following comment:

This was no iron-clad pledge, but in spite of its manifest incompleteness it marked the signers as founders of a new enterprise. Living in a typical community which regarded ardent spirits as a preventive of disease, which could not build a house, cut down a field of grain, hold a husking, logrolling, quilting, christening, wedding, or funeral without some assistance from alcohol, the society's charter members must have felt considerable misgiving about their experiment. They had agreed, however, to test the new principles for a period of one year. When the first annual meeting was held in conformity with the constitutional provision the spirit of wonder at the year's success was so pervading that the gathering became an experience meeting of the revival type. Everyone was eager to give testimony.

A copy of Doctor Rush's essay came into the hands of Lyman Beecher, who, under its inspiration delivered a series of notable sermons on the evils of intemperance, from 1806 to 1809. Later, on his initiative, a society was formed in Connecticut for law enforcement, temperance, and moral reform. A similar organization was launched in Massachusetts, and others followed in these and many other States. Despite all those efforts intemperance continued to flourish with all its attendant misery and crime. The moral forces of the country, led by the clergy, redoubled their energies against the liquor evil. Lyman Beecher, in 1825, restated his position and announced that total abstinence from ardent spirits was the only basis on which intemperance could be successfully fought.

Then followed the organization of the American Society for the Promotion of Temperance in 1826. Its vital point was the advocacy of total abstinence from distilled spirits as a beverage. In six years the membership numbered 500,000, with 4,000 local units. New societies not in affiliation with the American Society were organized in various sections, while many of the older temperance organizations were still in existence or had been revived under the impulse of the new movement.

The years following 1826 were filled with missionary activities on the part of temperance crusaders in every part of the country, and an abiding sense of the danger of the liquor habit and of liquor was permanently planted in the hearts of millions. In fact, millions had been induced to sign the pledge for entire abstinence from distilled liquor as a beverage.

In order to unify the temperance movement a national convention to be composed of delegates from all existing organizations was held on the suggestion of the American Society in Independence Hall at Philadelphia in 1833. More than 400 delegates representing organizations in 21 States were present. A minority moved the inclusion of fermented liquors in the pledge but was voted down, the majority favoring the retention of the pledge of "total abstinence from the use of ardent spirits." A resolution was adopted to the effect that the traffic in distilled spirits was morally wrong and worthy of the severest condemnation. The convention formed a new national organization to be known as the United States Temperance Union, consisting of the officers of the American Society, the officers of the 23 State societies, and representatives of all local societies. An executive committee elected by the members was authorized to conduct the work of the union and to act as final authority in everything relating to temperance propaganda.

In 1833 was also organized the American Congressional Temperance Society at Washington to oppose "the use of ardent spirit and the traffic in it by example and by kind moral influence." Following the lead of Congress, temperance societies in many State legislatures were established within the succeeding two years. The cause of temperance seemed now to make greater headway than ever before. In 1834 the State societies recorded more than 5,000 local groups with a membership of

probably a million. In manufacturing establishments, on railroads, farms, and in college and society spheres the custom of heavy drinking seemed to be decreasing. Many distilleries and retail liquor establishments ceased to operate. Physicians, college presidents, and college students participated in the temperance movement to a larger degree than had ever been the case in the past.

In 1836 the executive committee of the United States Temperance Union called a convention of temperance societies in the United States and Canada to be held in August of that year at Saratoga Springs, N. Y. Three hundred and forty-eight delegates from 19 States and from upper and lower Canada attended. The union was enlarged so as to include Canada and any other part of North America, and the name was changed to the American Temperance Union. The official personnel was completely changed. Again an effort was made to reword the pledge so that it would call for "total abstinence from all that can intoxicate," and this time the effort was successful. Thus the old distinction between distilled spirits and all milder forms of intoxicating beverages was no longer preserved. All were placed under the ban and included in the pledge. Thus the question of light wines and beer as substitutes for hard liquor was fought out by the adversaries of intoxicating drink after decades of experience nearly 100 years ago and decided in the negative. Sharp division over this action continued for many years, but it was never reversed. Furthermore, another source of controversy soon developed over a new phase of the movement against beverage liquor. An insistent demand developed for legislative action against the traffic itself. It was argued that unless the traffic should be prohibited by law all the gains made in behalf of temperance would be lost. It was claimed that public opinion was now sufficiently crystallized against the traffic to make necessary and desirable the translation of that opinion into law. Constant violations of the license laws were causing grog shops of low character to multiply in number and in victims.

In 1840 the Washingtonian revival, sponsored by men who had personally experienced the agony and demoralization of drunkenness, set in motion the most effective current of feeling against intoxicants the country had yet experienced. These men formed at Baltimore in that year the Washington Temperance Society, which rapidly enlisted others of their type throughout the country, and soon the masses were aflame with a reborn interest and zeal in the subject of temperance and the reclamation of those who had succumbed to the liquor habit. Most notable among the speakers of this period were Hawkins and Gough, who swayed audience after audience with the story of their salvation from drunkard's lives and drunkard's graves and with appeals for signatures to the pledge for total abstinence.

Thenceforward the antiliquor forces included in their program legislative action against all intoxicants both distilled and fermented, both of high and low alcoholic content. There resulted numerous local option statutes and the enactment on June 2, 1851, of the first state-wide prohibition law in our history by the Commonwealth of Maine—a law that remains in operation at this hour. It was secured mainly through the remarkable leadership of Neal Dow, who had devoted his life to temperance work.

So we are able to trace from earliest colonial times to the present the continuous development of the movement against intoxicants from a protest against excessive drinking to an attack on distilled liquor, then to an onslaught on all liquor and then to the added objective of legislative prohibition, the movement now resting on a triple basis of education, suasion, and legislation. The movement was destined to undergo many reverses until local and state-wide prohibitory statutes were merged into nation-wide constitutional prohibition in 1920.

New bodies were formed after the Civil War to press for prohibition in precinct, county, State, and Nation—to teach it in school and home, to proclaim it in pulpit and in the secular forum—bodies far more militant than their predecessors.

The Woman's Christian Temperance Union, founded in 1874, has become one of the principal factors in the advancement of prohibition and in the maintenance of its effectiveness.

The Anti-Saloon League, organized in 1893, has exercised a vigilance and a power for the cause of prohibition probably never before equalled by any other group engaged in the promotion of reform.

To-day 34 welfare and temperance organizations of efficient personnel and signal achievement have united in a federated conference to supervise the continued progress of prohibition.

It is evident, Mr. President, that national prohibition has been in the making for nearly 300 years—that no other subject has been more constantly before the American people with every phase and possibility more widely discussed through decades and centuries than the proper handling of beverage alcohol. The crusade for prohibition sends its roots into the depths of the past. Indeed, they find their way to Bethlehem and Sinai.

National prohibition is an expression of the moral sentiment of the American people, a sentiment inseparable from the progressive civilization of America.

It is forever anchored in the heart and purpose of Almighty God.

Mr. BRUCE. Mr. President, I have listened with the greatest pleasure to the interesting historical review by the Senator from Texas. But my attention has been called to the fact that in that review he makes no mention of the large number of States which, on the eve of the Civil War, adopted prohibition, only to abandon it a little later on, when they experienced the abuses and evils which, as I see it, always flow from prohibition systems. The Senator is aware of the fact that some eight States, if not more, adopted prohibition at that time and afterwards, with the exception of Maine, abandoned it.

Mr. SHEPPARD. I covered that in a general way by saying that the movement was destined to undergo many reverses after the victory in Maine before national prohibition was finally attained.

Mr. BRUCE. If the Senator referred to it, I am sure that he did it in a very gingerly fashion.

Mr. SHEPPARD. I say I covered that phase as I have indicated. My object this evening has been to point out the different stages in the evolution of prohibition. The last stage was prohibition by law, and that was first definitely reached when Maine became a state-wide prohibition State. From that time until 1920 the phase of prohibition by law was especially prominent, perhaps dominant. Within that period some States went dry and then returned to a wet status, many precincts and counties went dry and then went wet again, numbers repeating this process several times, but the last phase was the legislative phase. Having emphasized that point, I did not deem it necessary to go into details. At some later time I hope to go into the history of the legislative phase at greater length.

Mr. BRUCE. I have listened with a great deal of interest to the Senator's speech.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS—CONFERENCE REPORT

Mr. JONES. I submit the conference report on the State, Justice, Labor, and Commerce appropriation bills.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The clerk will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 9, 10, 12, and 13, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$958,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,712,000"; and the Senate agree to the same.

W. L. JONES,
F. E. WARREN,
REED SMOOT,
WM. E. BORAH,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. JONES. I will state that the Senate added $68,000 to the bill as it passed the House. The conferees have reached unanimous agreement, and the House conferees conceded $48,000 of the increase put on in the Senate. One of the increases made by the Senate and not agreed to was $10,000 increase in the amount for the transportation of clerks, and so on, in the Diplomatic Service. The House took the position that the amount that was allowed for that, which was very largely increased over the amount appropriated before, was sufficient. The Senate increased the amount for the Air Service above the Budget estimate by $32,640. The House conferees agreed to an increase of $23,000. They have accepted all the other amendments put on the bill by the Senate.

Mr. ROBINSON of Arkansas. Is the agreement complete?

Mr. JONES. The agreement is complete. I move that the report be agreed to.

The report was agreed to.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 17, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 16, 1929

REGISTER OF THE TREASURY

Edward E. Jones, of Harford, Pa., to be Register of the Treasury in place of Walter O. Woods.

UNITED STATES ATTORNEY

Warren N. Cuddy, of Alaska, to be United States attorney, district of Alaska, Division No. 3. (Mr. Cuddy is now serving under appointment by the court.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 16, 1929

REGISTER OF LAND OFFICE

Walter Spencer to be register of land office, Denver, Colo.

POSTMASTERS

CALIFORNIA

Margaret A. Robinson, Kelseyville.

COLORADO

Ira B. Richardson, La Jara.

GEORGIA

Albert N. Tumlin, Cave Spring.
Annie H. Thomas, Dawson.
Hugh T. Cline, Milledgeville.

KANSAS

Ella W. Mendenhall, Ashland.

NEBRASKA

Clifton C. Brittell, Gresham.
Elizabeth Rucker, Steele City.

PENNSYLVANIA

Winston J. Beglin, Midland.

RHODE ISLAND

Alice W. Bartlett, North Scituate.
Elmer Lother, Warren.

TEXAS

Gertrude E. Berger, Boling.
John T. White, Kirkland.
Amanda M. Kenney, Nash.
Charles A. Young, Pecos.
Ernest H. Duerr, Runge.
Lynn E. Slate, Sudan.
Lewis Kiser, Sylvester.
Aaron H. Russell, Willis.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 16, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would meditate, merciful Father, upon Thy condescending attitude toward us. We feel assuredly that Thou dost not leave us out. We may know joyfully that we are encompassed and enfolded within the embracing reach of eternal goodness, the infinite compassion and the unmeasured love of a triumphant God. May our Christian faith have a high moment and rise to a wonderful certainty. We praise Thee for the breadth, the length, and for the depth and the height of Thy all-inclusive mercy. By the might of Thy name and in the strength of Thy truth may we always rejoice in Thy courts. Enable us to meet the day with new zeal and admiration whose wisdom shall be more than our old fondness dreamed. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 12449) entitled "An act to define the terms 'child' and 'children' as used in the acts of May 18, 1920, and June 10, 1922," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

THE EIGHTEENTH AMENDMENT

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, desiring to ascertain the exact benefits brought to the individual citizen of the United States of America through the passage of the eighteenth amendment, I hereby challenge any accredited social organization to produce between now and the close of this Congress a single individual, who was a heavy drinker before prohibition and who now is a total abstainer; or to produce a single family that is now enjoying a fair degree of prosperity that before prohibition was denied the necessities of life because of the excessive indulgence in alcoholic liquors on the part of some member of that family.

Mr. SNELL. Will the gentleman yield?

Mr. SOMERS of New York. I will.

Mr. SNELL. I can present some families who will comply with the gentleman's request.

Mr. CLARKE. And I have some exhibits I would like to put in the RECORD.

Mr. UNDERHILL. Me too!

Mr. WILLIAMS of Illinois. There are millions of them, boy!

Mr. SOMERS of New York. I think the answer may be found when they are presented.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, which was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. CULLEN reserved all points of order.

LEAVE OF ABSENCE

Mr. CHASE, at the request of Mr. KENDALL, was given leave of absence indefinitely on account of illness.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was called—

Mr. COLTON. Mr. Speaker, I call up Senate bill 3162, an act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Iowa makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Anthony	Davey	Kerr	Pratt
Auf der Heide	Deal	Kiess	Quayle
Beck, Pa.	Dempsey	Kindred	Ramseyer
Beers	Dickstein	King	Robinson, Iowa
Bell	Douglass, Mass.	Kunz	Sears, Fla.
Berger	Doyle	Lampert	Sirovich
Black, N. Y.	Estep	Lanham	Speaks
Blanton	Gasque	Leech	Stedman
Boies	Glynn	Lindsay	Stevenson
Bowles	Golder	McClintic	Strother
Box	Graham	McFadden	Sullivan
Brand, Ohio	Griest	McSweeney	Swick
Brigham	Hadley	Maas	Tatgenhorst
Britten	Hall, Ill.	Magrady	Taylor, Tenn.
Buchanan	Hammer	Menges	Temple
Buckbee	Harrison	Michaelson	Tillman
Bushong	Hooper	Montague	Underwood
Canfield	Houston	Moore, Ky.	Updike
Carew	Hudspeth	Moore, N. J.	Weller
Carley	Hull, M. D.	Morin	White, Kans.
Cartwright	Hull, W. E.	Newton	White, Me.
Chase	Hull, Tenn.	O'Connor, N. Y.	Wolverton
Cole, Md.	Igoe	Oliver, N. Y.	Wurzbach
Combs	Jacobstein	Palmer	Yates
Connolly, Pa.	Jenkins	Palmisano	
Curry	Kent	Patterson	

The SPEAKER. Three hundred and twenty-two Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

REFERENCE OF H. R. 9770

Mr. COLTON. Mr. Speaker, my attention has been called to the bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas, in Douglas County, Oreg., which is the second bill that I had expected to call up to-day. On examination of this bill I am convinced that it should have been referred to the Committee on Roads, and I ask unanimous consent that the report of the Public Lands Committee upon the bill may be vacated and set aside and that the bill may be rereferred to the Committee on Roads.

The SPEAKER. The gentleman from Utah asks unanimous consent that the report on the bill H. R. 9770 be vacated and that the bill be rereferred to the Committee on Roads. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is the Committee on Roads requesting that the bill be referred to it?

Mr. COLTON. The chairman of that committee is here, and I shall ask him to answer that question.

Mr. DOWELL. Mr. Speaker, I rose a few moments ago to ask unanimous consent to speak for five minutes, with the hope of securing later just what the chairman of the Committee on the Public Lands has now asked unanimous consent to have done. This bill is clearly within the jurisdiction of the Committee on Roads, and should have been considered by that committee originally, but was considered, however, by the Committee on the Public Lands. It should be rereferred to the Committee on Roads.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, of course it is a little bit unusual after a bill has been reported and put on the calendar to change the jurisdiction. It has the tendency to delay the consideration of the bill. I do not know what the bill is about.

Mr. COLTON. This bill was reported out before the present chairman of the Committee on the Public Lands occupied that position. It was reported out last spring. This bill authorizes an appropriation to build a road across certain public lands, particularly across a tract of land in a forest reservation in the State of Oregon.

Mr. GARRETT of Tennessee. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I think this will establish a rather unique precedent in the history of the House. The gentleman from Tennessee [Mr. GARRETT] will, I think, agree with that. It is not in order to make a motion to rerefer a bill after a report on it by a committee has been filed; that is, after such report has been filed an objection would be sustained to a request for reference to another committee. Now, here is a bill wrongfully referred under the rule. Every Member of the House is presumed to have had knowledge of the record and therefore of the wrongful reference, and it was the duty of any Member who desired to have the reference changed to make such a request before the committee having the bill in charge had made a report.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. RANKIN. It would be in order at the conclusion of the reading of the bill, would it not, to make a motion to commit it to the Committee on Roads?

Mr. COOPER of Wisconsin. A motion to recommit would then be in order.

Mr. RANKIN. And it could be committed to the Committee on Roads instead of recommitted to the Committee on the Public Lands.

Mr. COOPER of Wisconsin. That is true.

Mr. CRAMTON. While it is true that a point of order would not now lie because of the wrongful reference, I do not understand that it is not possible and entirely proper and, when committees have agreed upon it, desirable that a motion be made for its rereference. Certainly a rereference by unanimous consent would not establish any dangerous precedent.

Mr. COOPER of Wisconsin. Except in this way: Persons interested in the proposed legislation might be aware of the original reference of a bill to a committee and also of the favorable report of that committee and therefore presumably believe it sure of favorable action in the House. They have gone away from Washington, we will say. The bill is ready to be acted upon, but instead it is referred to another committee. The people interested in the bill having departed to their respective homes, its new reference might make a considerable difference. But I shall not object.

Mr. CRAMTON. Mr. Speaker, a presumption that the House will act favorably because of a favorable committee report is rather a violent presumption, particularly in the case of a bill which has been adversely reported upon, as I understand it, by one department, if not two.

Mr. DYER. There was no testimony submitted at the hearing before the Committee on the Public Lands, so that no witnesses are involved.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would ask the distinguished chairmen of these two committees if by this reference we are to understand that in the future all the bills pertaining to roads, trails, and the construction of the same in forest reserves are to go to the Committee on Roads?

Mr. DOWELL. Under the rule all road bills go to that committee, just the same as all immigration matters go before the Committee on Immigration.

Mr. JOHNSON of Washington. Not always. Naturalization affairs I find are sometimes reported by the Committee on Indian Affairs, when the subject matter has referred to Indians; the Committee on Insular Affairs has reported out and passed a bill relating to citizenship in the Virgin Islands. To date have not all bills that pertain to roads and trails in forest reserves come from the Committee on Public Lands?

Mr. DOWELL. No.

Mr. COLTON. I think not. I think the Committee on Roads, of which I happen to be a member, has reported several bills for the construction of roads in forest reserves.

Mr. JOHNSON of Washington. What about roads in national parks?

Mr. COLTON. They come from the Public Lands Committee, because that committee has jurisdiction of national parks.

Mr. JOHNSON of Washington. And who has jurisdiction over forest reserves?

Mr. COLTON. Strictly speaking, the Committee on Agriculture.

Mr. JOHNSON of Washington. It is exactly like the matters pertaining to the committee of which I have the honor to be chairman. They diverge a little bit and come up from various committees. I shall be glad to see more uniformity. If this is to be a precedent, well and good, then we can look for action on roads of every kind in the public domain, which is a large part of the western part of the United States, amounting to more than 50 per cent of the area of many Western States, from the Committee on Roads. Road matters on Indian reservations, parks, and the Federal domain will come from the Committee on Roads, I take it.

Mr. COLTON. No; I would not want to go as far as that.

Mr. JOHNSON of Washington. But the gentleman here waives and agrees and has stated that this clearly belongs to the Roads Committee, and that this committee will have the right to all that character of road construction where Federal money is expended.

Mr. DOWELL. The gentleman is entirely mistaken. This bill is a straight bill and provides an appropriation for building a certain road. It has no relation to any other subject, and the Committee on Roads has jurisdiction.

Mr. COLTON. And would not establish a precedent as to other bills, particularly in areas where the Public Lands Committee has exclusive jurisdiction?

Mr. JOHNSON of Washington. Certainly it would establish a precedent so far as other bills are concerned. Will the gentleman say whether any previous appropriation of Federal money has been spent on this road?

Mr. DOWELL. No; I know nothing about the bill. It has not been before the committee.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not propose to object, although I think it is pretty well settled that a motion to do this would not be in order. Of course, it can be done by unanimous consent.

The SPEAKER. The Chair entirely agrees with the gentleman.

Mr. KORELL. Mr. Speaker, reserving the right to object in order to ask a question, and that is whether or not this bill does not contemplate important work of a character other than road building?

Mr. COLTON. Mr. Speaker, I understand H. R. 9770 contemplates only road building.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUSBY. For a parliamentary inquiry. On April 2 last year the bill H. R. 8913 was reported favorably to the House from the Committee on Patents. It was placed upon the Consent Calendar on two occasions and stricken from the calendar on objections made. The inquiry I want to now propose is whether or not the bill being on the House Calendar at the present time the Patent Committee has any authority to proceed with additional hearings on that bill?

The SPEAKER. The Chair is inclined to think that the committee could not hold hearings unless the bill was rereferred to the committee for that purpose.

REAPPORTIONMENT

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to revise my remarks made last Friday upon the reapportionment bill and also to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOZIER. Mr. Speaker, during the consideration of the Fenn reapportionment bill reference was frequently made to the several methods of apportioning Representatives among the several States according to their respective populations. The Fenn bill provides for the use of the method known as major fractions. Other methods have been suggested, namely, the method of equal proportions, the method of rejected fractions, and the method of minimum range, each of which has its champions. Quite a number of statisticians and economists of nation-wide reputation appeared before the Census Committee, each explaining in detail his favorite plan, showing its advantages and pointing out the weaknesses and disadvantages of the other methods. Very much to my surprise I found a striking disagreement between statisticians and economists who had devoted many years of diligent study to this question in an endeavor to solve the problem and determine the best, fairest, most equitable, and most satisfactory method. Each plan has been viciously assailed by those who favored other methods, and few men can read the hearings and reconcile the conflicting arguments and reach a definite and satisfactory conclusion entirely in favor of one method or entirely opposed to any other method. In fact, each method has much merit, and I am convinced that neither formula is 100 per cent perfect.

In addition to the methods I have mentioned there are the plans known as the method of least errors and the method of alternate ratios. Much misunderstanding exists both in and out of Congress as to the nature of these formulas and as to how they operate when used in an effort to apportion Representatives among the several States.

I have been requested by quite a number of my colleagues and by not a few newspaper correspondents to explain briefly these various formulas. This I am willing to do in my poor way, not in detail but in general terms. I have been unable to find any complete and satisfying definition of these several formulas, but much has been written and spoken in reference to the manner in which they operate. I have not the time and perhaps not the ability to formulate a complete, satisfactory, or scientific definition of these several formulas, but I will state briefly the principle and purpose on which each is founded, their operation, and the results that flow from the several systems.

I may add that every one of these methods is complicated and each involves somewhat extensive mathematical computations. Only highly cultivated mathematical minds can comprehend the working rules, arithmetic mean, and sliding divisor used in the major-fractions method, or the multiplier, process squaring, taking reciprocals, and square roots involved in the equal proportions formula.

I will now briefly define or rather describe the operation of and principle underlying each of these methods.

REJECTED FRACTIONS

Under this formula all fractions are rejected. If, for instance, the apportionment of Representatives among the States is 1 for 250,000 population, a State with a population of 2,749,000 people would be assigned 10 Representatives, or 1 for each complete bloc of 250,000, but would not get any additional Representative for its fraction of 249,000. This method was used in all apportionments prior to 1840. Thomas Jefferson was a strong advocate of this plan and his brief and argument very strongly supported his contention that under the provisions of the Constitution fractions could not be considered in apportioning representation among the States. In other words, it was his contention that the Constitution did not contemplate assigning an additional Representative to a State for any number of people short of the number adopted as the basis of apportionment and that all fractions, whether major or minor, should be disregarded.

All of our trouble and contention about formulas and methods of apportioning representation could and would have been avoided if we had steadfastly adhered to the Jeffersonian constitutional method. This bitter controversy between economists and statisticians and this uncertainty as to the best method of apportioning representation would have been avoided if Webster and others had not endeavored to add to the constitutional provisions by taking fractional groups into consideration in making apportionments.

EQUAL PROPORTIONS

This is a method by which the relative or percentage differences in either the number of inhabitants per Representative or the number of Representatives per inhabitants are made as small as possible. The method of equal proportions, devised by Dr. Edward V. Huntington, of Harvard University, has never been used in apportioning representation.

Dr. Joseph A. Hill, Assistant Director of the Census Bureau, described the process followed in applying the equal-proportions method as follows:

(1) In making an apportionment by the method of equal proportions the first step is to assign one Representative to each State, thus fulfilling the requirement of the Constitution that each State shall have at least one Representative. This disposes of 48 Representatives.

(2) The next step is to divide the population of each State by the following quantities in succession: $\sqrt{1\times2}$, $\sqrt{2\times3}$, $\sqrt{3\times4}$, etc.

(3) The quotients thereby obtained are arranged in order of size, beginning with the largest, to form what is called a priority list, which indicates the order in which Representatives in excess of 48 shall be given out to the States. Representatives are then assigned in that order until the required number has been given out.

The above process produces a result in which the necessary deviations from exactness are as small as possible when measured by the relative or percentage difference in either the ratio of population to Representatives or the ratio of Representatives to population.

Prof. E. V. Huntington, of Harvard University, who originated the method of equal proportions, describes his system—

as the only method which insures that (1) the ratio of population to Representatives, and (2) the ratio of Representatives to population, shall be as nearly uniform as possible among the several States.

On account of fractions or remainders in the exact quotas a mathematically exact apportionment according to population is impossible. That being the case the aim should be to make an apportionment in which the necessary deviations from a mathematically exact apportionment shall be as small as possible.

It is evident, then, that the essential difference in the two methods is in the mode or method of measuring deviations or divergencies from exactness, the method of equal proportions using as a measure the relative or percentage difference in either of the ratios while the method of major fractions uses the absolute or subtraction difference in the ratio of Representatives to population.

MAJOR FRACTIONS

This plan rests on finding a ratio which will divide the population of each State so as to give a certain whole number and a certain fraction in each quotient. The plan rests on the theory that a Representative should go to each State for each unit in the quotient, and also for each fraction above 0.50 in the remainder. It may be otherwise defined as a method by which the absolute differences between the several States in the number of Representatives per inhabitant are made as small as possible. That is what the method of major fractions is designed to accomplish in the end.

As laymen understand the term, the major-fractions method operates in a general way, as follows:

If, for instance, representation is apportioned on the basis of 1 Representative for every 250,000, then a State with a population of 2,626,000 would be entitled to 10 Representatives for the first 2,500,000 population and an additional Representative for the remaining 126,000 population, because the fraction or remainder, 126,000 is more than one-half of 250,000 the unit or basis of representation. But mathematicians and economists have extended and refined this so-called major-fractions formula by mathematical processes in which certain quotients are arrived at and which are used as the basis for apportionment and which are different from the exact quotas to which the several States are seemingly entitled, and as a result of this refined method frequently a State with a larger major fraction is not allowed an extra Representative and a State with a smaller fraction is given an additional Representative. Major-fractions method is supposed to apply the principle of counting the remainder when it is more than one-half of the unit or basis of representation, but in its practical application this is not necessarily done, as for illustration in apportioning representation in the 1910 census major fractions were disregarded in apportioning Representatives to Mississippi, New Mexico, Ohio, and Texas, the exact quotas of these four States being "scaled down" by mathematical processes, and States with smaller major fractions given extra representation. The method of major fractions was used twice, in 1843 in apportioning representation under the 1840 census, and in 1911 in apportioning representation under the 1910 census.

The major-fractions formula used under the 1910 census was devised by Dr. Walter F. Willcox, of Cornell University, and is an amplified form of the major-fractions method used under the 1840 census.

Dr. Joseph A. Hill, Assistant Director of the Census Bureau, described the process followed in applying the major-fractions method as follows:

(1) Here, as in the method of equal proportions, the first step is to assign 1 Representative to each State, making 48 in all.

(2) The next step is to divide the population of each State by the following quantities in succession: 1½, 2½, 3½, etc.

(3) The quotients thereby obtained are then arranged in order of size, beginning with the largest and continuing the process until the total number of quotients plus 48 is 1 greater than the number of Representatives to be apportioned.

(4) The next step is to divide the population of the several States by a number midway between the last two quotients in the list.

(5) The last step is to assign to each State a number of Representatives equal to the whole number in the quotient which was obtained for that State by the above division plus one more Representative in case the quotient contains a major fraction.

This process gives a result in which the necessary deviations from exactness are as small as possible when measured by the absolute or subtraction difference in the ratio of Representatives to population.

THE VINTON METHOD

[Named after Congressman Vinton, who proposed it]

Under this method the total population of the United States is divided by the number of Representatives to be apportioned. This gives the ratio or number of inhabitants per Representative. The population in each State is then divided by that ratio number. The result represents the exact quotas, and taking these quantities, you assign Representatives in the order of the size of the fractions. For instance, suppose there were 10 Representatives to be assigned for fractions, the first Representative would be given to the State with the largest fraction, and the next to the State with the next largest fraction, and so on until all the Representatives were allocated. This process might use up all the major fractions and no more; or it might not use up all these major fractions; or it might use up all the major fractions and one or two minor fractions. This method was used in apportioning representation from 1850 to 1900, inclusive.

MINIMUM-RANGE FORMULA

The minimum-range formula, also devised by Dr. Walter F. Willcox, is a method by which absolute difference between the several States as measured by the number of inhabitants per Representative is made as small as possible. The main purpose of this formula is to give the congressional districts as nearly as possible the same population, so far as Congress by apportionment can bring about that result. It is based on the ratio of population to representation and respects the ratio of Representatives to population. The minimum-range methed has never been used in apportioning representation.

Two other methods of apportioning representation have been devised, but never used:

(a) Method of least errors, formulated by Prof. F. W. Owens, of Cornell University, gets about the same result as the major-fractions method.

(b) Method of alternate ratios, devised by Dr. J. A. Hill, of the Bureau of the Census. This method was recommended by Dr. E. Dana Durrand, then Director of the Census, for adoption in 1911. The method of equal proportions is virtually a modification or refinement of the method of alternate ratios.

In 1921, when the Senate Committee on the Census was considering an apportionment bill based on the 1920 census, its chairman, Senator Sutherland, received a communication from the census advisory committee, which had been appointed to advise the Director of the Census on technical questions coming up during the taking of the 1920 census. This committee was composed of three representatives from the American Statistical Association and three representatives from the American Economic Association. The members of this committee were C. W. Doten, E. F. Gay, W. C. Mitchell, E. R. A. Seligman, A. A. Young, and W. S. Rossiter, all eminent statisticians and economists. In its detailed and well-considered report, which was unanimous, the committee of experts analyzed the methods of major fractions, equal proportions, and other suggested formulas, explained the principle, operation, strength, and weakness of each plan, and reached the following conclusions:

1. The "method of equal proportions" leads to an apportionment in which the ratios between the representation and the population of the several States are as nearly alike as it is possible. It thus complies with the conditions imposed by a literal interpretation of the requirements of the Constitution.

2. The "method of major fractions" has back of it the weight of precedent. Logically, however, it can be supported only by holding that the Constitution requires, not that the ratios between the representation and the population of the several States shall be equal, as nearly as is possible, but that the representation accorded to individuals or to equal groups of individuals in the population (that is, their "shares" in their respective Representatives) shall be as nearly uniform as is possible, irrespective of their places of residence.

3. It is not clear that the special interpretation of the Constitution, which alone is consistent with the use of the "method of major fractions," is to be preferred to other possible special interpretations which lead to other methods of apportionment. We conclude, therefore, that the "method of equal proportions," consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the "method of major fractions."

The advisory committee concluded its elaborate report with the following:

SUMMARY

1. It is clear that the Constitution requires that the allocation of Representatives among the several States shall be proportionate to the distribution of population. It is not equally clear that there is anything in the constitutional requirement which suggests that one of the forms in which such apportionment ratios or proportions may be expressed should be preferred to another.

2. The "method of major fractions" utilizes only one of several ways of expressing apportionment ratios. The "method of equal proportions" utilizes all of these ways without inconsistency. The latter method, therefore, has a broader basis.

3. There is no mathematical or logical ground for preferring the one form of expression of the apportionment ratio used in the method of major fractions to other forms of expression. These other forms lead, when similar processes of computation are employed, to different and therefore inconsistent results.

4. The method of major fractions logically implies preference for a special meaning which may be attached to one of the forms in which apportionment ratios may be expressed. To attach to ratios meanings which vary with the forms in which the ratios are expressed is to interpret them as something else than ratios.

5. In the "method of major fractions" the "nearness" of the ratios of representatives and population for the several States is measured by absolute differences. The "method of equal proportions" utilizes relative differences. The relative scale is to be preferred.

In his testimony before the Census Committee Doctor Hill, of the Census Bureau, defined the three principal methods of ap-

portioning Representatives among the States and the advantage and disadvantage of the several methods as follows:

In conclusion, on the basis of what I have said I might frame a definition of the three methods I have mentioned, including the method of minimum range. I am defining not the mathematical process of the methods but the purpose each method accomplishes.

The method of major fractions is the method by which the absolute differences between the different States in the number of Representatives per inhabitant are made as small as possible. That is what the method of major fractions accomplishes in the end.

I will define the method of minimum range as the method by which absolute differences between the several States as measured by the number of inhabitants per Representative are made as small as possible.

The method of equal proportions is the method by which the relative or percentage differences, in either the number of inhabitants per Representative or the number of Representatives per inhabitant are as small as possible.

Those are technically correct definitions. I might say more about the third method.

Comparing the three methods, the method of equal proportions is more—I will use the word favorable—is more favorable to the small States than the method of major fractions and less favorable than the method of minimum range.

The method of equal proportions is more favorable to the large States than the method of minimum range and less favorable than the method of major fractions. Thus, it occupies an intermediate position between the other two.

The practical results of the application of the three methods may therefore be summed up as follows: If it be desired to have a method which shall be as favorable to the large States as possible then the method of major fractions should be used. If it be desired to have a method that will favor the small States as much as possible, then the method of minimum range should be used. If it be desired to adopt a method intermediate between these two, not as favorable to the large States as the method of major fractions, nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

I submit the following additional observations:

There is a wide disagreement among statisticians, mathematicians, economists, and plain, common-sense people as to the correct, best, and most equitable method of apportioning Representatives among the several States. Seemingly this conflict is irreconcilable. This contention and bitter battle between experts grows out of and is the inevitable result of an effort on the part of statisticians and economists to inject fractions and complicated mathematical computations into what should be a simple problem of allocating to the several States the Representatives to which their population entitles them. The effort to give a State or any number of States additional representation because of a fraction of population, major or minor, is an apple of discord which will be thrown into the apportionment problem every 10 years to confuse the issue and prolong the battle between experts as to refined formulas, infinitesimal computations, and complicated scientific methods of making apportionments.

When you adopt either the major-fractions formula or the equal-proportions formula you depart from exact quotas and from an equitable, just, fair, simple, and constitutional method of allotting representation among the several States. Representation should be based upon exact quotas, and not on "scaled-down" fractions or intricate mathematical computations which under either method may easily convert a major fraction into a minor fraction. When you abandon the rejected-fractions formula and adopt either the equal-proportions or major-fractions formulas you are traveling away from an equitable, simple, fair, and exact apportionment based upon quotas according to population. Mr. Jefferson was the great exponent of the rejected-fractions formula, while Mr. Webster championed the major-fractions method. All of our trouble, all of our worries and contention, all of our controversies and pitched battles between statisticians, mathematicians, and economists are the inevitable result of our having abandoned the simple formula recommended and strenuously championed by Mr. Jefferson to the effect that both major and minor fractions should be disregarded in apportioning representation. I strongly urge the abandonment of the major-fractions formula, the equal-proportions formula, and all other methods that take fractions into consideration. Wisdom suggests that we return to the hard and inflexible, but, nevertheless, just basis of rejected fractions, which is fair to each of the States and does not give any State an advantage or place any State under a disadvantage as a result of complicated mathematical computations involved in all of the formulas which contemplate a recognition of fractions in apportioning representation.

When the pending bill was being considered by the Census Committee I called attention to the brief and argument by Thomas Jefferson on the congressional apportionment bill of 1792, in which he vigorously, and I think persuasively, opposed the recognition of major fractions in the apportionment of Representatives to the several States based on population. I also called attention to the great speech made by Daniel Webster in the United States Senate in April, 1832, on a congressional reapportionment bill, in which he strenuously contended for a reapportionment formula which recognized major fractions.

I was requested by the committee to put in the record the data as to where these great arguments by Mr. Jefferson and Mr. Webster could be found, and this I was glad to do.

Mr. Jefferson's argument is found in Story's Commentaries on the Constitution of the United States, fifth edition, volume 1, pages 495 to 500, inclusive; also in Ford's Life of Jefferson, volume 5, page 493. Mr. Webster's argument is found in the same volume at pages 500 to 512, inclusive. I may add that Edward Everett's speech supporting the contention of Mr. Webster can be found in the CONGRESSIONAL RECORD, issue of May, 1832.

My recollection is that Mr. Jefferson's argument and Mr. Webster's speech are reproduced in haec verba in Mr. Foster's work on the Constitution, and, of course, the speeches of Webster and Everett appear in the reports of the congressional debates.

I think I have heretofore stated in discussing this question that President Washington vetoed the first census bill because it recognized fractions in apportioning representation among the several States. This veto was on the advice of and after a conference with Thomas Jefferson, his Secretary of State, John Randolph, his Attorney General, and James Madison, the principal creator of our Federal Constitution, and, according to Mr. Jefferson, these three men prepared the veto message. In advising President Washington to veto the first census bill which recognized major fractions, Mr. Jefferson says he—

urged the danger to which the scramble for fractionary members would always lead.

In a letter to Archibald Stuart on March 14, 1792, Mr. Jefferson, in opposing the use of fractions in allocating Representatives among the several States, said:

Besides, it takes the fractions of some States to supply the deficiency of others and thus makes the people of Georgia the instrument of giving a Member to New Hampshire. On our part the principle will never be yielded, for when such obvious encroachments are made on the plain meaning of the Constitution the bond of union ceases to be the equal measure of justice to all of its parts.

I can not refrain from again expressing my conviction that in the interest of popular government and efficient translation of the public will into legislation it is necessary to increase the membership of the House. Under our system of procedure in the House and with our Committee on Rules and our steering committee of the majority party a House of 500 or 600 Members would not be unwieldy. This system of legislative procedure is so well entrenched in the House and functions so efficiently that the addition of 50, 75, or even 100 or more Members would not militate against the expeditious dispatch of legislation in the House. It will not be denied that the House with a membership of 435 functions more efficiently and enacts legislation more promptly than the Senate, which has a membership of only 96. Nine times out of ten the delay in enacting legislation occurs in the Senate and not in the House, and the defeat of legislation demanded by the public is generally brought about by the action of the Senate and not by the action of the House.

Again, with the tremendous increase in our population, the enormous development of our industrial and commercial activities, the creation of innumerable commissions, bureaus, and departments of Government, the participation of the Government in business and the active interest of business in government—all these conditions have combined to bring about a situation where the departmental business of the average Congressman has increased very greatly over what it was in the past, and over similar official activities of the members of legislative assemblies in foreign countries.

The rapid and enormous extension of the activities of our Federal Government in new fields, the ever-increasing participation of business in government and the enormous increase of Government business has added several hundredfold to the labor and responsibilities of a Member of Congress, who is the agent and should be the dependable spokesman and representative of his constituents in the true sense of that term. The Member of Congress is the instrumentality by which his constituents get in contact with the Government on matters involving not only legislation and taxation but pensions, post office, and Rural Free Delivery Service, veteran legislation, departmental matters, and scores of other agencies that touch and materially affect the interest of the people; and while Congress in recognition of the

increase of departmental duties has increased the clerical force of Representatives and Senators, nevertheless much of this work must come under the immediate and personal supervision of the Member of Congress, and much of it can not be delegated or intrusted to his clerical force. The people have a right to demand that their business with the Government have the personal attention of their Congressman, because of his ability to get better results for them than if the matters in which they are interested are left to the attention of a clerk or secretary. Undoubtedly the smaller the legislative body the more easily it can be controlled by the sinister and sordid interests and the more readily it will yield to corrupt appeals and venal influences.

By increasing the membership of the House, within reasonable limits, of course, you will draw "fresh blood" from the country—men who come fresh from the people who know the needs of the people, and who have the courage and ability to champion the cause of the masses. If we should add 75 to the House membership and if this increase would bring into the Government service two or three men with genius for government and legislation equal to that possessed by Champ Clark, Joseph Cannon, Claude Kitchin, James R. Mann, Martin Madden, Joe Byrns, Finis Garrett, John Garner, and others equally distinguished in the realm of statecraft, would not the acquisition of the brains of these two or three new Members and the employment of their genius in legislative matters be worth infinitely more to the Government and to the people than the entire cost of such increase in membership?

If popular government is to be successful, it is absolutely necessary to interest the masses in governmental matters and *in voting*, and they should know their Representatives.

And that result will be brought about more easily by not having a Representative in Congress represent too many people or too large an extent of territory. The arguments against the increase of the membership of the House are arguments against large legislative assemblies. It is true that in all the history of the world since people began to strive for popular government, bureaucrats and those who did not believe in the masses having a voice in governmental matters, have always been opposed to large representative assemblies, and attempted in all nations and in all ages of the world's history to confine governmental activities to a favored class, to the highborn, or at least to a small body of men that could be more easily controlled than large legislative assemblies.

I think that a study of the history of the world shows that those who have been opposed to popular government have always used the argument that the masses were not capable of self-government, and that a large legislative assembly can easily be converted into a mob. In that connection I call your attention to the fact that this very question was discussed in the Constitutional Convention, and it was there argued very convincingly that the success of free government would largely depend upon having a large representative assembly; that is, a House with a large membership drawn from all parts of the country, directly from the people, so that all vocational groups would at least have a fair representation in Congress.

And with the tremendous increase in our commercial and industrial population, if the membership of the House be confined to 435, in each succeeding census and apportionment, the representation of the agricultural States and agricultural groups will become less and less in each succeeding reapportionment, until ultimately the numerical representation of the agricultural classes will be nominal and negligible.

To illustrate: If the formula of 435 is adhered to, I believe in 25 years the cities of St. Louis and Kansas City, and their environs, on a population basis, would send to Congress at least three-fourths of the total number of Representatives from that State. While you can not by any system prevent this disparity, you can adopt a system which will give to each vocational group a fair and just numerical representation, and it is important that every group, every vocational class, have such numerical representation in the House as may be reasonably necessary to protect the interests of each and every vocational group.

I am not advocating soviet representation. I am advocating an apportionment that will reduce to a minimum the disparity between the representation of industrial classes and the agricultural classes. You can not prevent the disparity but you can adopt a system which will give to the agricultural classes a reasonable and sufficiently large numerical representation to enable them to present the cause of agriculture when legislation is pending that affects the interests of that great industry.

It can be done by allowing one Representative in the House for every 250,000 inhabitants. Under the present apportionment in Missouri 4 of the 16 Congressmen represent industrial and commercial communities. Twelve of them represent agricultural communities.

In each census the population of these commercial and industrial centers is going to increase and ultimately outrun the population of the agricultural communities. While giving to the commercial and industrial centers increased representation according to their population, you should not reduce the representation of any State below its present quota. If you unalterably fix the membership of the House at 435, it is inevitable that the agricultural States will have their representation reduced in every succeeding apportionment until in 25 or 50 years the agricultural States will only have a nominal or negligible representation.

If you limit the membership of the House to 435, in 25 years from now the number of Representatives from Iowa would probably be reduced to five or six. Can it be contended that the time will ever come when the great agricultural State of Iowa would only be entitled to five or six Representatives? And yet that situation is inevitable if the membership of the House is to be arbitrarily limited to 435.

With the membership limited to 435 it is only a question of a comparatively few years until the great cities will practically monopolize the State's Representatives in the House. The State will be carved into districts to which perhaps a string of rural counties will be added, but the population of the city will be largely in excess of the country population, which means that the cities will control the nomination and election of the Representatives. This means that the rural sections will be shorn of their influence and serve only as ballast or as a tail to the kite of the predominating city population. You can not remedy this evil by the "shoe-string system" of laying out congressional districts. This system would be ineffective for the reason that in every instance the industrial and commercial population in the district would predominate and constitute an overwhelming majority, so that the agricultural classes in the shoe-string district would have about as much chance to dominate the industrial classes as the tail of the dog has to wag the dog. I am looking forward into the future and visualizing the ultimate and inevitable results that will flow from limiting for all time the membership of the House to 435. If we place the membership of the House in a strait-jacket, and by a general law decree that never hereafter shall the House of Representatives contain more than 435 Representatives, you have adopted a formula which within the next 25 or 50 years will reduce the representation of Kansas, Iowa, and of Nebraska to five or six Congressmen, and the representation of all other agricultural States proportionately.

While we can not change the ratio of representation or give any State larger proportionate representation than it is entitled to under the constitutional mandate and we can not prevent the numerical disparity between the industrial States and agricultural States, we can nevertheless adopt a formula or basis of representation which, while it will not give to the agricultural States as many Representatives as the industrial and commercial States have, it will numerically increase the representation of the agricultural communities and give the agricultural States a sufficient number of Representatives to properly present the cause of agriculture in Congress.

To emphasize my position, may I say this? The fewer number of Representatives in the House the greater is the real or effective disparity between the industrial and commercial classes, on the one hand, and the agricultural classes on the other. You might adopt as a basis of representation, say, 1,000,000 population. That would give Missouri four Representatives. It would give Iowa two or three, and other agricultural States a very greatly reduced representation. Now, I am not contending that Missouri and Iowa and Nebraska shall each have as many Representatives as the larger States. I am not insisting that the agricultural classes shall have as many Congressmen as the more numerous industrial and commercial classes, because the agricultural population is not as great as the industrial and commercial groups. But I am contending that the time never will come in the history of the United States Government, with the increase in population and the tremendous development of our industrial and commercial and governmental activities, when Iowa ought to have less than 11 Members.

The time will never come when Kansas ought to have less than eight Members. The time will never come when Missouri ought to have less than 16 Members. By limiting the membership to 435, Alabama, Indiana, Iowa, Kansas, Kentucky, Missouri, Mississippi, Maine, Louisiana, and probably all the other agricultural States would lose representation in every succeeding apportionment, and the influence in legislative matters of these and other agricultural States would rapidly decline.

And while it is perfectly right and proper to give the industrial States that are rapidly increasing in population additional representation, no formula should be adopted that will put Wisconsin, Kansas, Missouri, Iowa, Alabama, Mississippi, Indiana, and other agricultural States in a strait-jacket and ultimately reduce their Representatives to a mere handful of men. These States not only want their proportionate part of all the Representatives but they want a basis of representation that will give them a sufficient number of Representatives to safeguard their interests in Congress.

While I would not favor a policy that would deprive the cities of their just proportion of Representatives, I favor a basis that will give the rural districts adequate numerical representation; that is to say, a system or basis that, while not giving to the agricultural sections more than their proportion of the Representatives, would nevertheless give them a larger number of Representatives or more adequate numerical representation, to the end that the rural sections may always have on the floor of the House a sufficient number of Representatives to adequately reflect their will, plead their cause, and protect their interests.

By the plan I advocate you would not remove the disparity in the number of Representatives between the industrial and agricultural sections, but you would reduce the evil effects of this disparity. A House with a larger membership would not give the agricultural States more than their proportionate part of the total number of Representatives, but it will give them a larger physical or numerical representation; not more Members proportionately, but a larger numerical body of Representatives to plead their cause and reflect their will.

Or to state the proposition in another way, under my plan you get a Congress with a larger membership, but in that larger body each vocational group will have a larger numerical representation and will be able to present its cause more efficiently than if such representation were reduced one-half or one-third. I am vigorously opposed to any legislation which will put the American people in a strait-jacket as to the number of members of the House. The present Congress does not possess such a monopoly on wisdom as to authorize it to speak ex cathedra and decree that the House of Representatives shall never have more than 435 Members. We have no authority in law or morals to foreclose the power or right of some succeeding Congress to increase or decrease the membership of the House. Our efforts so to do will be futile.

Most people who oppose increasing the membership of the House have made only a superficial study of the reapportionment problem which means that their conclusions are hastily drawn and obviously unsound. There are many, many reasons why the membership of the House should not be held down to 435. A House with a membership of less than 500 would not and could not be truly representative of 123,000,000 American people engaged in diversified occupations, and whose interests are so conflicting that with a less number all the great vocational groups could not have a voice in the enactment of legislation vitally affecting their welfare.

A House of 500 Members would allow one Member for each State (as required by the Constitution) and an additional Representative for every 272,000 population. No Congressman, however industrious and painstaking, can efficiently represent more than 272,000 people. A constituency of 272,000 would, as a rule, be homogeneous or composed of people belonging to the same general class or vocation and have the same interests, and similarly affected by legislation. The Representative of a district of this kind could speak the language of practically all of his constituents, which he could not do if he represented a district with half a million population engaged in different callings, having conflicting interests, and being affected differently by proposed legislation.

A district of 272,000 population or less would probably be exclusively agricultural or exclusively commercial and industrial, and its Representative would not be compelled to choose which master he will serve, because his constituency will probably be practically of one mind on all legislative proposals. On the other hand a district with a population of 500,000 would probably be composed of industrial and agricultural groups with approximately the same numerical strength. The legislation favored by one vocational group would probably be opposed by the other groups. In this situation the Representative would be compelled to choose between these groups in charting his legislative course, and in meeting the demands of one group of his constituents he would be compelled to disregard and neglect the interests of the other large vocational groups in his district. In serving the industrial groups in his district he would frequently be compelled to vote for legislation detrimental to his constituents engaged in agricultural pursuits; or in voting for legislation in the interest of his agriculture constituents he would often have to disregard the interests and demands of the industrial classes in his district.

I can not overestimate the ever increasing governmental activities in matters directly affecting the people. Each year more and more of the time of Members of Congress is required to represent their constituents in departmental matters relating to postal service, rural free delivery service, pensions, soldiers' compensation, veteran affairs, transportation, immigration, and dozens of other departmental or bureau activities that require an ever increasing amount of the Congressman's time. I wish some of these editors and students of public affairs who are insisting that the membership of the House is now too large could be at my side and follow me for a week as I attempt to perform my duties, not only on the floor of the House and on committees but in the study of bills and proposed legislation and in matters before the departments, bureaus, commissions, and other Government agencies. I am sure that after close observation of the daily work of an average Congressman these carping critics would be disillusioned and would have a different conception of the work that a Congressman must perform in order to meet the demands of his constituents and be even a small factor in legislative affairs. I wish they could see my daily mail and understand the requests that come from my constituents and the multitude of reasonable and proper appeals that come to me for this or that service in the departments, bureaus, and commissions. I am confident they would be weary after keeping at my heels for a week, often working 16 or more hours a day; and what I do is done by every other Representative who strives to efficiently serve his constituents.

The smaller the membership of a legislative body, the easier it is to wrongfully influence and control that body. Every beneficiary of special privilege in America wants a House of Representatives with a small membership—the smaller the better for him, and the less trouble to manipulate. Every selfish, sordid, sinister, cynical, and baneful influence in America champions small legislative assemblies, because the smaller the membership the easier it is to control and the fewer men they have to "fix" or influence to thwart the public will and accomplish their venal purpose. Every reactionary individual and influence in the United States favors a small House of Representatives, because it is harder to corrupt, control, or wrongfully influence large assemblies than small ones. All comparatively small assemblies are controlled by a few "key men." In all ages of the world's history those who make merchandise out of patriotism and use the agencies of government for the accomplishment of their selfish purposes have opposed large representative assemblies, because in large legislative bodies there will be a larger number of far-seeing, progressive, and incorruptible men to protect the public interest and prevent the plunder of the Public Treasury.

In a letter to Thomas Mann Randolph, March 16, 1792, Thomas Jefferson stated one reason why he was in favor of a large House of Representatives. He said:

> The fate of the representation bill is still undecided. I look for our safety to the broad representation of the people which that—
>
> Meaning a House with a large membership—
>
> shall bring forward. It will be more difficult for corrupt views to lay hold of so large a mass.

But, gentlemen, there is another reason why I can not bring myself to vote for the pending bill. It delegates to the Secretary of Commerce a duty that the Constitution places on Congress. It is a constitutional prerogative and duty of Congress to apportion representation among the several States according to population. That prerogative, that duty, that right Congress should not and, in my opinion, can not legally delegate to a Cabinet officer. The pending bill involves what I consider a supine surrender to bureaucracy and an abandonment of the constitutional functions of Congress. By passing this bill Congress is proclaiming to the world its pusillanimity, inefficiency, and abrogation of its plain constitutional duties, and its lack of confidence in future Congresses to perform their constitutional duty.

It will not do to say that we are only delegating the performance of a ministerial duty. Under the system that this bill sets up it will be within the power of the Secretary of Commerce to manipulate the population statistics so as to wrongfully favor one State at the expense of another. The changes of a few figures in the enumeration of 123,000,000 people will increase or reduce the total population of a State so as to change a major fraction into a minor fraction or to increase the size of the major fraction of one State at the expense of another State; and all this can be done in the dark, under cover and without any probability of the wrongful changes ever becoming known to the public. The grave abuses that a corrupt or partisan official or clerk in the Census Bureau can make under cover could

and would take from one State a Representative and electoral vote to which it is entitled and give that Representative and electoral vote to another State not entitled to it. I believe that Congress, on reflection, will be heartily ashamed of having enacted this humiliating and debasing measure and will repeal it as soon as reason ascends the throne and sober judgment again controls their deliberations.

I believe when Congress passes a reapportionment bill it should be in truth and fact a reapportionment bill. I repeat what I have frequently stated, that I will vote for a reapportionment bill immediately after the 1930 census is taken, and while I favor an increase in the membership of the House, if that increase can not be secured I will then vote for a reapportionment under the 1930 census based on the present membership.

IMPROVEMENT OF OREGON CAVES, SISKIYOU NATIONAL FOREST, OREG.

Mr. COLTON. Mr. Speaker, I renew my request to call up the bill S. 3162.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the same.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3162, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3162, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

With committee amendments as follows:

Page 1, line 3, strike out the word "be" and insert the word "is"; and on page 2, after line 4, insert a new section, to be known as section 2, and to read as follows: "SEC. 2. That the Secretary of Agriculture is hereby authorized to prescribe such rules and regulations as may be necessary to administer the provisions of this act."

The CHAIRMAN. Under the rules two hours are allowed for debate, to be equally divided between those favoring and those opposing the bill. The gentleman from Utah [Mr. COLTON] is recognized for one hour.

Mr. COLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. HAWLEY].

The CHAIRMAN. The gentleman from Oregon is recognized for 10 minutes.

Mr. HAWLEY. Mr. Chairman and gentlemen, the Oregon Caves are situated in the southwestern corner of the State of Oregon in the Siskiyou National Forest, and are great natural caverns in a mountain system. They are approached at the present time through one entrance. A road has been constructed to the caves. The attendance of late years has greatly increased, so that last year over 23,000 persons visited the caves. The Oregon State Highway Commission is now prepared to spend additional funds enlarging this road on account of the increased traffic and to provide the caves with another road to be known as the Redwood Highway, from California. The traffic has continually grown, and everyone who has visited the caves is impressed with their beauty.

The purpose of the bill is to make the caves more accessible. The filtration of the waters during the winter covers the floors of these beautiful caves in some parts with slime, making it dangerous for the people who desire to visit the caves to do so, and covers the sides of the caves with material that seriously impairs their beauty. But with the water system that is proposed to be installed, the sides of the cavern will be cleaned, thus exposing the beauties of the coloration, and the débris and mire underfoot will be washed out.

It is proposed to put in a small hydroelectric system which will furnish enough power both to wash the caves, which is a small item, and to afford light. In the caves there are places where there are deep descents, and some of them can not now be easily negotiated. It is desired to put in some steel or iron ladders in such places and to rail off certain deep abysses, and also to light the caves so that the people may have the opportunity to see the beauties of the caverns.

The Forest Service, for the obvious reason that these caves are located in the midst of a national forest, has refused to allow torches to be used in the caves, which was the method of lighting them until a recent date. By these means, with the expenditure of a small amount of money, the caves can be made safe, and other caverns can be opened with only a slight expenditure. Some of the most beautiful chambers are now closed up and are accessible only through narrow openings, through which it is very difficult for many to pass through. These will be made available.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BACON. Are these caves and caverns part of a national park?

Mr. HAWLEY. It is a national monument administered by the National Forest Service. It is proposed to create an entrance on the other side of the cavern. This legislation will protect life and limb, open up new caverns to visitors, and create an additional entrance, so that the people can go in at one end and out the other without retracing their steps, and this will also avoid congestion of visitors looking into the caverns.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SCHAFER. I note in the committee report a letter from the Acting Secretary of Agriculture under date of March 7, 1928, in which it is stated that the legislation proposed in this bill would be in conflict with the financial program of the President. Has the President changed his views since the date of that letter, March 7, 1928?

Mr. HAWLEY. So far as I know, I do not know that he has.

Mr. SCHAFER. The gentleman has no knowledge of the reasons for the opposition?

Mr. HAWLEY. Only that is it in conflict with the present policy of expenditure. But this is such a necessary thing for the development of these caves, and for the accommodation of a growing number of visitors who travel over the highways named and who desire this improvement, that the expenditure is justified.

Mr. BACON. No one has jurisdiction over these caves except the Federal Government?

Mr. HAWLEY. No one except the Federal Government, through the Forest Service.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, my purpose at this time is to point out that in passing this bill we embark on a policy, of which I approve, of preserving our national resources and places of scenic beauty, and for that object making use of public funds. These places of natural beauty are of great educational value.

A few days ago on the Consent Calendar we had a bill providing for exactly the same purpose at Mammoth Cave, Ky. I believe that we should be fair in these matters and that all these propositions that are alike should be treated alike. It so happens that the Mammoth Cave in Kentucky does not come under public land, and therefore the bill went to another committee. Objection was made to the consideration at the time. If my memory serves me correctly the objection was based on the question of policy—whether the Federal Government should finance the conservation or preservation of a natural cave. I believe that it should, especially of a cave of the size, importance, and beauty of Mammoth Cave. In approving of the bill now before us I hold that we approve that very policy. The question of cost does not really enter into such propositions.

Notwithstanding the financial program of the President—and I say that with all due deference—the control of public funds and responsibility for the expenditure of same are entirely with Congress, and in considering these matters we should treat all of these cases alike. So I hope that either on the proper Calendar Wednesday or by a special rule the bill authorizing appropriations for doing the same kind of work at Mammoth Cave, Kentucky, will be brought before the House, so that the House will have an opportunity to vote on it and approve it. After all, a thousand years from now neither history nor anyone else will know or care much about the financial program of a well-meaning public official of our day; but a thousand years from now the people of that age will know and care if we properly and prudently conserved our natural resources and preserved the natural beauty of our country.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the bill before us has not aroused my enthusiasm, and in part for the reason emphasized by the gentleman from Wisconsin, that it is in conflict with the President's financial policy. Also, I have not liked the form of the bill. I am not sure what the policy is to be in the administration of these caves. I am not very well informed as to the rules which obtain in the handling of recreational areas in national forests. I have had some contact with that question in the national parks but not as to national forests. The policy that is obtaining at the present time with reference to caves administered in the National Park Service is to charge an admission fee, for the reason that guides are always required to handle the parties, and so forth. So a fee is charged. A fee is charged at the Wind Cave National Park in South Dakota, and a charge is made at the Carlsbad Caverns National Monument in New Mexico, which is probably, and, I think, without question, the most wonderful and the most beautiful underground display to be found in the world. The receipts are used in the development and maintenance of the monument or the park.

I have suggested to the gentleman from Oregon an amendment to make it clear that such a policy should obtain with reference to these caves, the amendment being to add at the end of section 2, the section which sets forth the authority of the Secretary of Agriculture to prescribe such rules and regulations as may be necessary to administer the provisions of the act, the following language:

Including the fixing of charges for admission to said caves sufficient to maintain and develop them.

Mr. HAWLEY. I will say to the gentleman that I have no objection to that at all, because I think that is the present practice.

Mr. CRAMTON. I think that is likely to be the practice, but I should like it to be definite, and because I understood that to be the attitude of the gentleman from Oregon, I have not felt justified in opposing the bill, and I think very possibly that might modify the attitude of the Budget and the attitude of my friend from Wisconsin [Mr. SCHAFER].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. LAGUARDIA. Has it been the practice at any time in the past to lease such caves or other natural places of beauty?

Mr. CRAMTON. I have never known the Government to lease an attraction.

Mr. LAGUARDIA. So there is no danger that this might be leased to a concessionaire?

Mr. CRAMTON. I think there is no authority for leasing it.

Mr. LAGUARDIA. There is no authority in law for doing it?

Mr. CRAMTON. I do not think there is, and I am sure the Forest Service would not contemplate that.

Mr. HAWLEY. Leases are made at places near the caves for hotels, and things of that sort.

Mr. CRAMTON. For public utilities and conveniences leases are often made, but I know of no instance where the attraction itself is leased. Mr. Chairman, with that understanding, I think it puts the bill in much better position with regard to the present policy and not in conflict with either the Forest Service policy or the national park policy.

Mr. COLTON. Did I understand the gentleman from Michigan to offer an amendment?

Mr. CRAMTON. I will at the proper time.

Mr. COLTON. Mr. Chairman, I have no more requests for time, and I suggest that the bill be read for amendment.

The CHAIRMAN. Does anyone in opposition to the bill desire time for debate? If not, debate is concluded, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture be hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Page 1, line 3, strike out the word "be" and insert the word "is."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 2, after the words "sum of," insert the words "not more than."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, after line 4, insert a new section to read as follows:

"SEC. 2. That the Secretary of Agriculture is hereby authorized to prescribe such rules and regulations as may be necessary to administer the provisions of this act."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON to the committee amendment: Page 2, line 7, after the word "act," insert "including the fixing of charges for admission to said caves sufficient to maintain and develop them."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS HELD UNDER COLOR OF TITLE

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman and members of the committee, I believe there is no opposition to this bill, and perhaps for that reason I should say nothing about it, but it is a little out of the ordinary and I want to make a very brief explanation of it. The territory which is affected by this bill is entirely in Monroe County, Mich., which is the southeastern county of the State, and through Monroe County the River Raisin flows in an easterly and westerly direction. This ter-

ritory was settled by the French in the sixteenth century, and it was the habit of the French where they granted land along rivers to make the grant in very narrow strips back from the river. They did this here, just as they did in the Province of Quebec and elsewhere throughout the region that was once occupied by the French.

The Government of the United States never had any title to this property at all and has never claimed any title to it. It has not title to any property except post-office property, I believe, in the county of Monroe; but the people in these later days when abstract companies and the banks are becoming more particular about abstracts of title, have learned that there are clouds upon the title to this property, and it is for that reason this bill has been introduced.

The United States, as I have said, has no claim to it, but the United States by this bill will have the right, through the Secretary of the Interior, to grant patents to the people living upon this territory and owning it on the payment of the usual fee of $1.25 an acre. I think there are comparatively few of these places in Monroe County, but I am informed by the gentleman from Michigan [Mr. MICHENER] that they have had a good deal of trouble about these particular titles.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. LAGUARDIA. Is it not unusual in relief bills of this kind that are usually predicated on giving relief to an individual, to include therein land held adversely by a corporation?

Mr. HOOPER. Well, I do not know that it is unusual, but there seems to be no other way, I will say to the gentleman from New York, to handle this particular situation.

Mr. LAGUARDIA. How did these lands get into the possession of corporations?

Mr. HOOPER. Well, I do not know that any of the land has got into the possession of corporations. It is nearly all farm land, I will say to the gentleman. So far as I know it is all farm land, and the people who hold it have held it for generations; that is, they and the people who held it before them. There is no city property involved here.

Mr. LAGUARDIA. In my brief, but happy, experience on the Public Lands Committee, we had bills like this under consideration, but we never had a case where a corporation held adversely or asked relief of this kind.

Mr. HOOPER. I do not want to be too certain about it, but I do not believe a foot of this land is held by a corporation. It is farming land and it is held in very narrow parcels.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOOPER. Certainly.

Mr. SCHAFER. Why should land in Michigan have any better advantages than similar land in Wisconsin? In Wisconsin we have land situated in the same way where people think they have bought summer-resort property on the lakes and find they do not have title.

Mr. HOOPER. Then, they can do just as the people are to do here, and pay the $1.25 an acre for a release on the part of the Government.

Mr. SCHAFER. The gentleman would not oppose an amendment to include the State of Wisconsin?

Mr. ARENTZ. Will the gentleman yield to me?

Mr. HOOPER. Yes.

Mr. ARENTZ. It has been my experience on the Public Lands Committee that each particular case deserves particular attention.

Mr. HOOPER. Yes; and should come up on its own merits.

Mr. ARENTZ. If you had similar cases in Florida, it would be necessary for you to segregate the claimants within a certain district in Florida; and the same thing applies to every State in the Union, so it is essential that every one of these cases should stand on its own bottom.

Mr. HOOPER. They must be considered on their own merits, so far as this case is concerned, it is a little out of the ordinary, and that is the reason I wanted to make this explanation; but there is nobody who is going to be injured. The Government is going to get money which it really is not entitled to at the rate of $1.25 an acre, and the titles will be straightened out and everyone will be satisfied.

Mr. SCHAFER. The gentleman may have a particular case in mind, but settling that particular case may open a thousand other cases in Michigan under the provisions of the bill.

Mr. HOOPER. This does not open it to anybody else. Anybody else must come in and ask for relief in his own way.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WINGO. Will the chairman of the committee use a little time and give us some information about this?

Mr. COLTON. I will be pleased to do whatever I can.

Mr. WINGO. I am reading the report of the Secretary of the Interior. He says that this has been surveyed as public land. Is that true?

Mr. HOOPER. It may have been surveyed as public land. The gentleman in the chair [Mr. MICHENER] knows more about this than I do.

Mr. WINGO. I think it would be wise if the chairman, who is a good lawyer, would put a parliamentarian in the chair and answer some of the questions that have arisen; in other words, give the facts fully.

Mr. KETCHAM took the chair.

Mr. WINGO. I am sure the bill is all right, and I am not asking the questions in any spirit of controversy but to get the record straight. The Secretary of the Interior reports that this has been surveyed as public land. Is that true?

Mr. MICHENER. The situation is this: In the early days the land was settled by the French. There may be those in the House who are familiar with the way the French made settlements in this country. They followed the procedure in France. Their farms were on the water front. The farm consisted of a narrow frontage, possibly a few rods, and then extended back from the water front to the extent of a mile or a mile and a half or 5 or 6 miles. At that time the State of Michigan had not been surveyed. There were no east or west lines—township lines, as we call them to-day. So the Government surveyors staked out the claims on the water front. For instance, if this center aisle is a river, the claim would be staked out a few rods wide on the river, and extending back a mile and a half or 5 or 6 miles, and the next claim would join that claim on the other side.

The unit of measurement used at that time was the arpent—about 12 rods. Most of these claims were 40 arpents back. The man settled there and remained on the claim a given number of years, at which time he made proof that he had complied with the law, and he received his patent to the part of the land for which he paid $1.25 an acre. The part of the land in the rear was not paid for at $1.25 an acre at that time. That land was given to the man when he made proof according to law.

Some of the people did not make proof to the entire claim—that is, the full length back from the river—so as the result there is a small strip a few rods wide in the center of a man's farm, or at the edge of his farm, which has never been patented by the Government to anyone.

Later the Federal Government came through and put in east and west lines, and when they did that they did not take into consideration these claims and these pieces of land. The Government claims no land there; they have no land there; there is no Government land in the State of Michigan subject to settlement.

In the first place, an effort was made to homestead these lands. It was found that this was impossible under the circumstances. I might say that this bill was suggested to me by the Assistant Secretary of the Interior, Mr. Finney.

Michigan has no public land; we are not familiar with it and know nothing about it. The mining laws or mineral laws, as applied to public land, do not apply to Michigan. In short, these farmers out there, a few of them, have spots on their farms where the title is not clear.

A question arose, I think, when one of these farmers attempted to borrow money from the Federal Government through the Federal land bank. When the Government attorneys passed on the abstract they found these little pieces of land here and there on these farms, and then the question was raised. This bill is merely attempting to clear the title.

Mr. WINGO. My understanding is that in the early days the grants, or whatever you call them, of the French were based on the arpent at the water edge of the river or the lake or the ocean, and that the ordinary grant of those days extended back a certain number of arpents, which amounted to about 1½ miles.

Subsequently the Federal Government undertook to say to the holders of those old French grants, "for every one of you that has this mile or mile and a half on the water front the Federal Government will give you an equal amount extending back; in other words, if you have a grant on the water front a mile and a half, then the Federal Government out of the public domain, which lies back of you, will give you an equal amount in the same shape." If he had a rectangular piece 10 arpents wide by 40 arpents long, then the Federal Government would give him a further grant back of there of 10 arpents wide and 40 arpents long so as to make his tract 80 arpents long and 10 arpents wide. In order to do that and get it from the Federal Government, the Government required that they make

proof of ownership, and so forth, to the original French tract. My understanding is that the Federal land bank found in one of these cases that the owner of it—that is, his predecessors in title—had never made any such proof, and, therefore, he had no title from the Federal Goverment, but that the Federal Government's records showed that no advertisement or anything else had ever been made of these lands and that they never had been offered for public sale or opened to private entry, and therefore no real rights of any adverse claimant could have accrued under the Federal Government, and as the Assistant Secretary said, this grant of power should be given to him for the purpose of curing that title. But some one has asked, on both sides of the aisle, why is it necessary in order to take care of these farmers to take care of some corporation; is there a corporation that happens to own part of it? If so, I think the corporation ought to be taken care of the same as any other grantee.

Mr. MICHENER. Not to my knowledge. For instance, we have dairy farms in Michigan that are incorporated, but I know of no corporation owning any of the land in question. I assure the gentleman that this is all farm land.

Mr. WINGO. My only idea in getting into this was not to oppose the gentleman's bill—I assume that when the bill comes from the Public Lands Committee it is correct, and, knowing the gentleman as I do, I felt it was correct—but there was some contradiction in the record, apparent contradiction only, and I think that should be explained for the record because a good many of these claims have been turned down which are just as meritorious as this and that I thought ought to have been allowed. I think whenever one is allowed and others are turned down that the record ought to be clear so that someone can not say you did this in a certain case and you should do it for me.

Mr. MICHENER. I think the gentleman is quite right and I appreciate his suggestion.

Mr. WINGO. I think the gentleman's bill should be passed with his explanation.

Mr. MICHENER. I thank the gentleman.

Mr. COLTON. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

With the following committee amendments:

Page 1, line 3, strike out the word "whenever" and insert "within five years after passage of this act."

Page 1, line 9, after the word "years," insert "prior to the approval of this act."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 5, after the word "citizen," strike out the colon, insert a period, and strike out the remainder of the paragraph.

Mr. LAGUARDIA. Mr. Chairman, it is clear from the statement made by the gentleman from Michigan [Mr. MICHENER], as well as by the distinguished chairman of the committee [Mr. COLTON], that there are no corporations involved in these particular lands. That being so, I believe it would be a dangerous precedent in a relief bill of this kind to include a proviso that relief shall be granted to corporations.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WINGO. Is not the gentleman overlooking this fact: That under the admitted statement of the facts in this case it is possible that a corporation could hold title to this land in perfect good faith, and the corporation would be entitled to the relief just the same as any citizen of Michigan.

Mr. LAGUARDIA. Considering the history of the land and how it was originally acquired, I do not think a corporation could have acquired title.

Mr. WINGO. Oh, yes. The original claimant, of course, was an individual, a Frenchman, but coming down through the years with this chain of title, it is possible that some corporation out there might take title. I give the gentleman this illustration: I happen to know one family, all of them farmers, and they all have their farm holdings incorporated. You might have such a situation out there. It is not going to hurt. This language will be mere surplusage if there are no corporations, and if there are any corporations their title should be cleared the same as the title of an individual.

Mr. LAGUARDIA. If a corporation acquires land of this kind, it acquires it with notice. It is quite different where the original settler comes in and this land is improved by him, and it continues in his family for generation after generation. Clearly such an individual is entitled to relief.

Mr. WINGO. I think the grantee by conveyance, if consideration is paid, is entitled to as much relief as one who receives the land by descent and distribution through generations and generations. I do not think that because a man happens to be a great-grandson of some original settler that he is entitled to have his title quieted any more than a corporation who obtains it under the circumstances I have stated.

Mr. LAGUARDIA. That carries with it the idea of adverse possession, and we are talking of a corporation coming in and acquiring this land by transfer or grant, and this transfer or grant, or whatever it is, certainly was acquired by them with their eyes open.

Mr. WINGO. I venture this assertion, that you will find that this land has been offered to the Federal land bank for a loan and it has been turned down. You will find that that same mortgage company had its mortgage foreclosed and bought in the land at the sale. The mortgagor is trying to redeem under an agreement to repurchase, and is trying to get a loan from the Federal land bank. I think that a safe guess.

Mr. LAGUARDIA. The gentleman assumes facts not before us.

Mr. WINGO. But the gentleman says he could not conceive of a situation where a corporation could have had adverse possession and was entitled to relief. Suppose they bought it outright?

Mr. LAGUARDIA. Then they bought it with their eyes open, but——

Mr. WINGO. Then, if the corporation bought it with their eyes open, they are entitled to as much relief as the individual.

Mr. LAGUARDIA. How easy it would be for a corporation to take over land of this kind cheaply, by reason of the very defect in title, and hold it, in order to establish adverse possession, the necessary length of time, and then have the cloud removed and the value greatly enhanced.

Mr. WINGO. I think if we had a situation like that, the gentleman from Michigan [Mr. MICHENER] would not be a party to a conspiracy with a corporation to acquire public land.

Mr. COLTON. I desire to say I have made no statement that there was no corporation involved. I do not see why, if a corporation acquired the same kind of land as an individual, they are not entitled to the same relief as the individual.

Mr. LAGUARDIA. The purpose of the relief would be entirely different.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. There has been so much time consumed, I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. YON. There is a question I want to ask. Down in my State—Florida—a corporation can be formed by three persons. They can incorporate for any purpose. They can run a dairy farm or a farm of any kind, run any kind of business; and for the purpose of business you would say that a man, his son, and his wife might be in possession of this land and have a dairy farm or a farm of any kind on it; and under the terms of that kind of a corporation the people living on that land would not have the right of an individual to buy the land in question. Does the gentleman wish to prevent that kind of a corporation getting benefits under terms of this bill?

Mr. LAGUARDIA. I would say this language inserted in the bill would provide proper relief; if individuals hold adversely and improve the property, it is the clear intent of the bill that they should get relief. I agree with that.

Mr. MORROW. Mr. Chairman, in my State we have lands of this kind where Spanish settlers settled on the land a hundred years ago, just as these settlers have settled here. We

have passed bills in Congress for several years permitting them to make proof of title to the land. There is no question but that if these titles be passed down through years and years the parties purchasing that land have the right of the former settlers, if the parties in possession make the proof that the department requires. If they can show that they are in possession, then the Government can convey title by a quitclaim patent. Suppose a railroad were involved, which had a right of way on some of these lands. It would be the same.

Mr. LAGUARDIA. Gentlemen assume facts that are not in evidence here.

Mr. MORROW. No. The department establishes certain rules under which they require that proof shall be made. They must prove up just as the original homesteader, that they are in possession and have acquired title to these lands; and this legislation further requires that they must be in possession for 20 years under the Michigan law.

Mr. MICHENER. This Congress passed a bill relating to land in New Mexico last year in language similar to this bill. There is nothing new in this. It is in regular form. It is just a question of clearing paper title. It is a paper defect. The Government does not claim anything. This is for the sole purpose of helping an innocent holder, a really bone fide holder, a man in possession, who, through his predecessors in title, has been in possession for 50 or 75 years, so that if he wants to borrow some money on the land, or dispose of the land, he can meet the technical objection of the lawyer passing upon the title.

Mr. SCHAFER. Mr. Chairman, I rise in opposition to the amendment.

I do not think that we should indicate that we are enemies of all corporations. A corporation having possession of land covered by this bill is entitled to the same relief as an individual owner.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. Not now. I must hasten along so as not to delay the defeat of this discriminatory amendment.

I was tempted to offer an amendment to include the State of Wisconsin, because we have a situation in our State which can be cleared up if this bill would apply to Wisconsin. However, after consulting with the chairman of the committee, I think I will follow his views and in the future introduce a bill to take care of Wisconsin. We have many property holders in the Lake districts who think they have title to their summer resort property, but find on checking their deeds and the descriptions that they do not hold clear title. I hope that when I introduce a bill for the relief of the people of Wisconsin the Members of the House will show the same spirit toward that bill as toward the one pending.

Mr. WINGO. The gentleman from Wisconsin has discussed the rights of corporations. I do not think we ought to discuss the bill any further. It would be out of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SPROUL of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SPROUL of Kansas: Page 1, line 3, after the word "that," insert the word "if."

Mr. COLTON. I think that amendment ought to be agreed to. That was a clerical error in omitting the word "if."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a bill of the House of the following title:

On January 16, 1929:

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1156. An act granting a pension to Lois I. Marshall; to the Committee on Pensions.

S. 1640. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.; to the Committee on Claims.

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work; to the Committee on Irrigation and Reclamation.

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; to the Committee on Indian Affairs.

S. 5060. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929; to the Committee on Appropriations.

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on the Public Lands.

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; to the Committee on Indian Affairs.

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; to the Committee on Indian Affairs.

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectricians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition, by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine, and for change of name of said park to the Acadia National Park.

The SPEAKER announced his signature to the enrolled bills of the Senate of the following titles:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

OIL AND GAS PROSPECTING PERMITS AND LEASES

Mr. COLTON. Mr. Speaker, I call up H. R. 479, a bill to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The SPEAKER. The gentleman from Utah calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House, therefore, automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 479, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 479, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant either prospecting permits or leases under the terms and conditions of section 19 of the act approved February 25, 1920 (41 Stat. L. 437), to any claimant of title under the placer mining laws to the northeast quarter and north half of southwest quarter of section 5; the east half of northeast quarter and northeast quarter of southeast quarter of section 6; the southwest quarter of northeast quarter, south half of northwest quarter, and southeast quarter of section 29; the southeast quarter of section 30; the east half of section 31; and the north half and southeast quarter of section 32, in township 51 north of range 100 west, sixth principal meridian, in the State of Wyoming: *Provided,* That satisfactory evidence be submitted of entire good faith of such claimant under the mining laws, although without such evidence of discovery as to satisfy said Secretary of the claimant's right to a patent; also that said lands were not reserved or withdrawn at date of initiation of mining claims thereto; also that applications for such permits or leases be filed within six months from date of this enactment, and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman, the language of this bill is general, but the report on file shows that it is for the relief of a certain company known as the Oregon Basin Oil & Gas Co. The reason the bill is designed to benefit a particular company is the equitable consideration of large expenditures made upon a certain oil structure. The attitude of the department is given in the final paragraph of the report, as follows:

While the department is of the opinion that the discovery alleged in the applications is insufficient to warrant the issuance of mineral patents to the applicant which would transfer title to the land covered by the claims in fee, the bona fides of the applicant company have never been questioned and no objection will be interposed to legislation which will give the company an opportunity to file applications for permits or leases for consideration under section 19 of the act of February 25, 1920.

To state the effect of the bill in a single sentence, if I can, it is to extend the period during which this company may apply for a prospecting permit under the terms of section 19 of the general leasing act, so that the company may now make such application notwithstanding the fact that the period for so doing has expired. The general leasing act provides that applicants under section 19 must make their applications within six months after the passage of the act.

Now, the situation with reference to this company was that it was in process of developing this field under original mining locations before the general mineral leasing act was passed. During the progress of this work it expended over $200,000. It believed and assumed it had complied in every way with the law necessary to secure a patent. The department concedes that it complied with the law in every respect for a patent with the exception of the sufficiency of the discovery. The company assuming that it had a sufficient discovery proceeded through the usual channels of the Department of the Interior to ask for a patent.

A patent was finally refused by the Secretary on the ground that there had not been a sufficient oil discovery. The matter was taken into court upon the theory that the court might review the action of the Secretary as it involved, in the judgment of the company's attorneys, a question of law as well as of fact, but the ultimate determination in the court was that it was a pure question of fact as to the sufficiency of the amount of oil discovered, so that the decision of the Secretary was final. In the meantime the time expired in which the company could surrender its rights and claims for a patent and make application for a permit or a lease under section 19. Therefore when the decision finally came they were without the time limit. So this legislation, in view of their expenditure of something over $200,000 and good faith throughout the proceedings, in effect is to permit them now to make such application. The legislation is not mandatory or directory but permissive only, giving the Secretary the discretion, if in his judgment he deems it proper, to issue a permit or lease under section 19. The legislation prohibits the Secretary from granting a permit or lease if there are any valid adverse claims. I know of no adverse claimants, and if there are any such I am not familiar with the fact.

Mr. HUDSON. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. HUDSON. The gentleman spoke of the expenditure of $200,000 by this corporation. Was that $200,000 spent in the development of oil or was it spent in the formation of the corporation?

Mr. WINTER. I am very glad the gentleman asked that question. It was spent absolutely on improvements, as the report of the Secretary shows, of roads and pipe lines for the carrying of gas and steam and the installation of drilling apparatus of various kinds, and actually drilling on the ground.

Mr. HUDSON. The reason I make the inquiry is that it seems to me that by the expenditure of such a vast sum of money they would have been able to determine whether there was a sufficient amount of oil in the field to give them the right to a patent.

Mr. WINTER. I may say to the gentleman that in this particular field subsequent events proved that they had to drill 3,000 and 4,000 feet to get permanent oil.

Mr. HUDSON. And the amount spent for drilling was a part of the $200,000?

Mr. WINTER. Yes; that is my information.

Mr. HUDSON. Does this legislation tie it up to this corporation to the exclusion of anybody else?

Mr. WINTER. There was opportunity for anyone to come in who desired to oppose the bill before the House committee, and there will be further opportunity before the Senate committee, and, finally, if it becomes a law the Secretary himself, upon application of any other person, will hold a hearing before he exercises his power under this act. If he refuses then to exercise his discretion, the present situation will not have been changed, and the rights of all persons will be the same as they are to-day.

Mr. HUDSON. It seems to me that with those two points cleared up that this expenditure was made in the definite development of the field rather than in the promotion of the company, and does not bar others, that perhaps the bill ought to pass.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. JOHNSON of Washington. All the gentleman from Michigan has said is so good and so clear why would it not be a good plan not to limit this to a particular section? This is a bill limiting these privileges to a certain section, and if the opportunity for inquiry in the Senate and in the hearings before the committee is sufficient, why should not a bill of this kind be written as a blanket bill to permit the same thing to be done anywhere?

Mr. HUDSON. If the gentleman from Wyoming will yield for me to answer that I will say I think that might be true as well of the previous bill passed.

Mr. JOHNSON of Washington. It is all good piece by piece but not otherwise.

Mr. BANKHEAD. Will the gentleman from Wyoming yield to me for a question?

Mr. WINTER. I will.

Mr. BANKHEAD. Unfortunately, I was not able to hear all the gentleman's statement with reference to this bill, but as I understand the latter part of his statement, it is a bill giving to this corporation the right to again file with the Secretary of the Interior an application for what rights?

Mr. WINTER. For a permit or a lease to a certain area of land of about 1,600 acres. They never did file an application for a permit or lease. This would be their first application, but in carrying on the procedure for a patent through the Department of the Interior and the courts, and before a final decision or determination was made, the time limit under the general leasing act expired.

Mr. BANKHEAD. But did not the gentleman state that the department, after a very thorough investigation of all the facts in the case, had decided that under existing law these people had no right to make this application?

Mr. WINTER. No right to a patent. The decision was not against an application for a permit or lease, but against an application for a patent.

Mr. BANKHEAD. Does this bill give them the right to make application for patent?

Mr. WINTER. No; that right is forever gone, and they must now come in under the general leasing act.

Mr. BANKHEAD. Why does the gentleman assume that if this right is again given them there will be any change in the facts or that there should be any change in the decision of the department with reference to the matter?

Mr. WINTER. Because the first was an application for a patent, in which case the Government would have no interest further in the land, while under an application for a permit or a lease, the Government has all of its interest in royalties, as set forth in the general leasing act.

Mr. BANKHEAD. Do not the facts disclose that this corporation slept upon its legal rights in failing to take advantage of the law within the time?

Mr. WINTER. They probably could not simultaneously carry on their procedure for a patent and also file an application for a lease.

Mr. BANKHEAD. Does not this legislation proscribe any other applicant from making application until the rights of this corporation are determined under this legislation?

Mr. WINTER. Under the facts and conditions of this case I do not believe any other applicants would be in a position to ask for a lease under section 19, or under section 13, as it is now a proven structure. They would not be barred from full right to be heard before the Secretary in opposition to the exercise of his power under this act and in favor of a right to bid at public auction for a lease under section 17.

Mr. BANKHEAD. That does not answer my question. The gentleman answers it indirectly, but if this bill were enacted would it not deprive any other applicant for these rights from making original application until the question of the right of this corporation was determined by the department under this legislation?

Mr. WINTER. No; I think not, because it leaves the entire matter discretionary with the Secretary, who may hold hearings and hear all parties or applicants and grant a lease to anyone under section 17 if he chooses to do so.

Mr. BANKHEAD. Is there any evidence that oil actually exists on this acreage?

Mr. WINTER. It is surrounded by areas which have been developed and are now producing.

Mr. BANKHEAD. And it is still a part of the public domain?

Mr. WINTER. Yes.

Mr. COLTON. Is it not a fact that the department is precluded from considering the equities of anyone in these particular lands without legislation of this kind——

Mr. WINTER. Yes; I think that is true.

Mr. COLTON (continuing). If this legislation is not passed.

Mr. BANKHEAD. If that is true, then I will ask the chairman of the committee why he does not bring in some general legislation affecting this matter? This is probably a question which is constantly arising before the department for construction, and it seems to me the duty is upon the Public Lands Committee to bring in some general legislation correcting this situation and giving the department general authority to act in cases of this sort.

Mr. COLTON. I doubt very much the wisdom of a bill of that kind. In fact, I know of no other cases that have arisen. None has been called to my attention. Moreover, even if it were made general, the department might be bothered or have applications made in a good many cases that have no merit. This particular case seems to have a great deal of merit.

Mr. BANKHEAD. I will say to the gentleman I have no personal interest in this matter——

Mr. COLTON. I appreciate that.

Mr. BANKHEAD. But in times past we have heard a good deal about oil lands in the country and their disposition and I thought it might be pertinent to make some inquiries.

Mr. LEATHERWOOD. Will the chairman of the committee yield for a question?

Mr. COLTON. I yield to my colleague.

Mr. LEATHERWOOD. I have been interested to know whether or not the land in question at this time is open for any kind of an entry?

Mr. COLTON. I understand it has not been restored to entry or application pending the result of this legislation; but, as a matter of fact, these applications for patents have been denied. I doubt that it is open for entry at the present time. Perhaps the gentleman from Wyoming [Mr. WINTER] could answer that.

Mr. LEATHERWOOD. That is a matter I would like to know about; whether or not if I go to the Land Office now I would be permitted to make a filing.

Mr. WINTER. The gentleman would not at this time for the reason that if this legislation does not pass ultimately this land would be advertised under section 17 of the mineral act, which provides for public auction and a lease to the highest qualified bidder.

Mr. LEATHERWOOD. The gentleman's answer is very clear as to that situation. Let me ask the gentleman this further question: Suppose this legislation passes, will there ever be a time when I could go to the Land Office and make a filing until after the people who are to be benefited by this legislation have declined to take advantage of the privileges extended to them by this act?

Mr. WINTER. By "making an entry" the gentleman means an application for a lease?

Mr. LEATHERWOOD. To acquire any title that would enable me to explore the land for oil.

Mr. WINTER. I think I can quote from the report directly in answer to that:

> The question may be asked just what disposal would be made of the lands involved in event this bill should fail of enactment.

Mr. LEATHERWOOD. That is not my question. I am assuming that the land is not open for entry, and I think the gentleman has so admitted. I further assume that the bill will pass both branches of Congress and become a law. Will there be any time when I can go to the proper land office and make a filing or application for a lease to explore the land for oil until after the party to be benefited has declined to take advantage of the privilege given by this act. In other words, if this bill is enacted into law, have you not foreclosed the right of the rest of the world to make application or do anything until after the corporation has declined to take advantage of the benefits extended by this legislation?

Mr. WINTER. If I understand the gentleman correctly, no; because the corporation is not given any rights it can enforce. It is all left to the discretion of the Secretary. The object of the legislation is to give the Secretary authority to grant a permit or lease to the company if he finds that under all the circumstances the company is equitably entitled to it.

Mr. LEATHERWOOD. And the excuse for that is that they have acted heretofore in good faith and are therefore entitled to occupy it against the rest of the world, because in good faith they have expended their money in developing oil.

Mr. COLTON. Until their equities have been determined by the department.

Mr. LEATHERWOOD. The state of the equities has been determined because the Government refused to issue patents, and therefore the land would be restored to the public domain.

Mr. COLTON. No. If they had made application for a lease in the time prescribed their equities would undoubtedly have entitled them to preferential rights for a lease. This bill is simply to restore them to that right—to extend the time for making the applications, so to speak.

Mr. LEATHERWOOD. Does the gentleman think the equities are such that we should forego the proposition that we are all presumed to know the law?

Mr. COLTON. There is this further thought. These people evidently believed that they had complied with the law to the extent that they were entitled to a patent. They had expended $500 on each claim and proceeded on that theory until there was a judicial decision that they had not complied with the law. Then they found that they had lost the opportunity to apply for a lease.

Mr. LEATHERWOOD. That is what I wanted to bring out, to see if good faith had been shown. Under the proposed law the Government, as a matter of fact, will benefit by it more than it would had patent been issued.

Mr. WINTER. To the extent of getting a minimum of 12½ per cent on the gross production.

Mr. LEATHERWOOD. That is what I wanted to make plain. The Government does not lose anything and it will benefit by the legislation.

Mr. WINTER. May I say in conclusion there is a precedent for this bill in the act of Congress approved September 15, 1922 (42 Stat. 844), and June 26, 1926 (44 Stat. pt. 3, 1621).

By the first of said amendatory acts the provisions of section 18a of the leasing act was extended to include certain lands in Utah which had been included in a withdrawal order other than that mentioned in the original leasing act.

Now, the First Assistant Secretary of the Interior, Mr. Finney, says:

> Now, in that situation the only thing the department could do with those lands which have been demonstrated to contain oil by these claimants would be to put the lands up at auction, under section 17 of the leasing act, and dispose of them at competitive bidding, which would seem hardly fair to those who have spent money and drilled the wells. For that reason the department reported that it had no objection to the enactment of this law, which would permit all these people to present their claims and permit the President to make some adjustment under the provision of section 18a.

The facts differ just a little there; it came under another relief provision of the general law. This is under section 19, whereas this precedent was under section 18a.

Mr. BANKHEAD. Mr. Chairman, I want to get things a little bit more clear in my mind. The last portion of the bill makes provision in this way:

> Also that applications for such permits or leases be filed within six months from date of this enactment and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

Does the gentleman from Wyoming know whether or not, as a matter of fact, there are any adverse claims, either valid or otherwise, pending upon the part of other parties to these entries?

Mr. WINTER. My information is that there are none.

Mr. LAGUARDIA. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Does any member of the committee demand recognition in opposition to the bill? If not, the Chair recognizes the gentleman from New York for one hour.

Mr. LAGUARDIA. Mr. Chairman, I shall not take the hour, and thus I can relieve the anxiety of the committee to that extent. If we pass bills of this kind, Mr. Chairman, we might as well close the Department of the Interior, abolish all existing laws, and take it upon ourselves to decide against questions of this kind. This claim was rejected by the Commissioner of the General Land Office for lack of discovery, and the decision was affirmed on February 1, 1924. The company in question then took the case to the courts, and in the case of the Oregon Basin Oil & Gas Co. *v.* Secretary of the Interior et al., decided May 4, 1925 (55 App. D. C. 373), on appeal to the Court of Appeals of the District of Columbia, it was held that, reading from the syllabus:

> Whether discovery of oil on a particular location is legally sufficient to entitle discoverer to patent is question of fact, addressed to the Secretary of the Interior, whose decision is conclusive on courts, unless arbitrary, capricious, or induced by fraud or imposition.

The question of capriciousness or fraud was not involved in the decision of the Secretary of the Interior. Further:

> Finding by Secretary of the Interior that oil discovered in well at depths of 45 and 434 feet did not warrant issuance of patent to discoverer, notwithstanding discoveries on adjacent claims at much greater depths and from formations unconnected with formations penetrated by wells of discoverer, held conclusive on courts.

The action of the Secretary of the Interior was affirmed. The Oregon Basin Oil & Gas Co. then took an appeal to the Supreme Court of the United States which court on January 24, 1927, affirmed the decision of the lower court. It was entirely a matter of fact. If Congress is to devote its time and consideration to setting aside first the decision of the Secretary of the Interior rendered in accordance with existing provisions of law, and which law gives the aggrieved party a right of review in the courts, and the courts have decided adversely to the discoverer on appeal taken even to the Supreme Court of the United States, then we will upset our entire system of supervision of final adjudication vested by law in the Department of the Interior.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment. I want to voice my opposition to this bill. I shall vote against it on a division vote. I serve notice that I shall move to strike out the enacting clause. We are deciding this great question of fact and we have not the hearings before us. We have not all of the information, and by actual count there are only 24 Members of the House present. Even if I should ask for a roll call, Members coming into the Chamber unadvised, naturally and properly, in accordance with custom, would follow the committee. We are simply helpless in the matter. I yield now to the gentleman from Louisiana.

Mr. ASWELL. Does the Secretary of the Interior approve this legislation?

Mr. LAGUARDIA. Yes; he does in substance.

Mr. ASWELL. If this bill should be enacted into law, would it not leave the whole matter still in the discretion of the Secretary of the Interior?

Mr. LAGUARDIA. They have had their opportunity once.

Mr. ASWELL. It is still in the discretion of the Secretary of the Interior.

Mr. LAGUARDIA. It was there once, and he has decided it.

Mr. WINTER. The thing that was fought in the courts was a patent. This legislation has nothing to do with the issuance of a patent. It is another matter entirely. It is merely a prospecting permit or lease under the general leasing act, under which the Government will receive royalties. We are not attempting to do that which the courts refused. They refused the application of this company for a patent. Therefore we have abandoned that ground entirely, and the company comes here under this great expenditure asking for an equitable consideration and that it may now be allowed to apply under the leasing act for a permit.

Mr. LAGUARDIA. Does the gentleman know that the law is very broad and rather generous to prospectors or discoverers, and that this company has had all of the privileges that other discoverers have? If it had been an individual and not able to proceed with the case after it had lost it in the courts, the matter would not be before us at all. The only good part of this bill is the support that it received from the distinguished gentleman from Wyoming, who has great influence in this House. I would like to go along with the gentleman from Wyoming, but I can not do so, and can only voice my feeble and ineffective protest in this manner.

Mr. WINTER. I want the gentleman to clearly understand that this legislation does not seek to do that which the courts refuse. That is an entirely different matter.

Mr. LAGUARDIA. It is simply giving this company a special privilege, which it is not entitled to under existing law, for an opportunity to start all over again.

Mr. WINTER. I submit in all fairness that years of work and an expenditure of $200,000 under these conditions does present a situation here which deserves special legislation to permit them now to come in under the general leasing act.

Mr. LAGUARDIA. I am convinced that the gentleman believes that otherwise he would not have fathered the bill.

Mr. WINTER. If this is not passed, someone else will get the benefit of the permit or lease, who never contributed a dollar to the development of that field. This company was the demonstrator of the fact that this field was an oil field.

Mr. LAGUARDIA. Like other prospectors?

Mr. COLTON. If you will permit this observation: I think the gentleman from New York will recognize that if this company had not thought that it was entitled to patents, it could have made application for a lease and have received the same preference right from the Federal Government that it will receive if this bill becomes a law. It is only a matter of placing the company where it would have been had it not believed it was not entitled to a patent.

Mr. JOHNSON of Washington. Let me ask, this company gets the title?

Mr. COLTON. Just the right to lease.

Mr. JOHNSON of Washington. Or re-lease from the Federal Government?

Mr. COLTON. It gives to the Secretary of the Interior the right to consider the case and if the company is entitled to a lease, then he would undoubtedly authorize the lease.

Mr. JOHNSON of Washington. Does the gentleman think of anything in the nature of a permit that would apply to the vast domain in Alaska that might be found to be capable of leasing, which is now lying open all the time? Here is a bill which slips through, and here is a great area in Alaska with people living there who want to extend an invitation to capital and prospectors to open it up.

Mr. COLTON. I agree with the gentleman in regard to Alaska. I have never been enthusiastically in favor of the leasing law, but it is the law. I am in favor of this bill. May I take a second to call attention to the statement of the Secretary of the Interior making a report on this bill. He says:

> The bona fides of the applicant company have never been questioned, and no objection will be interposed to legislation which will give the company an opportunity to file the application for permits or leases for consideration under section 19 of the act of February 25, 1920.

In other words, to give them the right to lease they would have had had they made application within the time.

Mr. ROBSION of Kentucky. May I ask the gentleman from Wyoming a question? I have understood from the gentleman from Wyoming that these people have expended $200,000 and have developed an oil field there?

Mr. WINTER. Yes, sir.

Mr. ROBSION of Kentucky. Now, in the event Congress does not grant this relief within this particular time, the land will be open to be filed on by somebody else, and they will get the benefit of the expenditure by these people. Now, in that event, would the Government get any more under the lease to some other person than if it were given to these people?

Mr. WINTER. If somebody else were granted a permit under section 13 of the leasing act, they would be entitled to one-fourth of the area under a 5 per cent royalty; while in event the lease is given to these people, the Government will have a minimum of 12½ per cent royalty of the entire area.

Mr. ROBSION of Kentucky. So that if we do not grant this relief the Government loses and some other individual or company would get the benefit, so there could not be any advantage to the Government; is that it?

Mr. WINTER. No advantage.

Mr. ROBSION of Kentucky. Well, it looks to me like the Government will not be hurt; and if these people have expended $200,000, I can not see why the Government should not grant this relief.

Mr. COLTON. The Government will really gain over what it would have had if the original applications for patents had been allowed.

Mr. ROBSION of Kentucky. So if this bill passes, it ought to be to the advantage of the Government. And then the law protects the rights of those people who went in there and who, according to the report, spent some $200,000.

Mr. LAGUARDIA. And why not in this bill extend an apology to the oil company? It is just a matter of fair and impartial administration of the law. That is all that is involved in it.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. It is just a matter of a fair and impartial administration of the law. That is all that is involved.

Mr. ARENTZ. I will say that the gentleman from New York is perfectly right. In many of these cases the Government should apologize. Men who have come in good faith and spent $200,000 on a proposition and have discovered oil on this land bringing in revenues to the Government for 50 years have a little bit of right, I should say, over a perfect stranger.

Mr. LAGUARDIA. The gentleman says these men have made discoveries that will produce for 50 years and have brought in revenues to the Government?

Mr. ARENTZ. I say these people who have opened an oil field which will be there for 50 years are entitled to some consideration on the part of the Federal Government. They ought to have some right over a perfect stranger.

Mr. ROBSION of Kentucky. If it is going to be to the advantage of this Government, why should these citizens who have paid out $50,000 be denied this privilege and equity?

Mr. LAGUARDIA. Mr. Chairman, I reserve the balance of my time.

Mr. COLTON. Mr. Chairman, unless some further time is desired, I ask that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases, had directed him to report the bill back to the House without amendment, with the recommendation that it do pass.

Mr. COLTON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. LAGUARDIA. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 39, noes 3.

So the bill was passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

LAND GRANT FOR MINERS' HOSPITAL IN UTAH

Mr. COLTON. Mr. Speaker, I call up the bill H. R. 15732.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 15732, which the Clerk will report by title.

The Clerk read as follows:

> A bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

The SPEAKER. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. MICHENER] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15732, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15732, which the Clerk will report.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That in addition to the provisions made by the act of Congress approved July 16, 1894 (28 Stat. L. 110), for a miners' hospital for disabled miners, there is hereby granted to the State of Utah, subject to all the conditions and limitations of the original grant, an additional 50,000 acres for a miners' hospital for disabled miners to be selected by the State, under the direction and subject to the approval of the Secretary of the Interior, from vacant nonmineral surveyed unreserved public lands of the United States in the State of Utah.

Mr. COLTON. Mr. Chairman, I yield five minutes to myself.

The CHAIRMAN. The gentleman from Utah is recognized for five minutes.

Mr. COLTON. Mr. Chairman, when the State of Utah was admitted to the Union, under the enabling act, the State was given certain land grants for the benefit of various State institutions. All of the grants made were for 100,000 acres or more, except in the particular case of the grant for a miners' hospital. Only $50,000 was granted for this purpose.

I have taken the trouble to examine the proceedings at that time, but I do not know why this small grant was made for this purpose. I will say, however, that in pursuance of the grant that was given the State has sold these lands for the best price obtainable at the time and realized therefrom about $82,447. The State land board has sold practically the entire acreage. Those lands were sold many years ago. The enabling act provides that the principal must remain intact and only the interest may be used for the objects and the purposes of the grant, namely, the establishing and maintaining a miners' hospital. Under this arrangement the interest on this money has now reached about the sum of $88,853. The interest exceeds the principal. After nearly 30 years it is not sufficient to build the hospital.

We have in the State of Utah a great mining industry. The mining industry is the second largest industry in the State. There are to-day 140 disabled miners receiving or needing hospitalization in the State. We are unable to provide that hospitalization with the funds that have been granted for the

purpose; and the purpose of this bill is to increase the grant to the same number of acres that was given to other institutions at the time the State was admitted to the Union. The workmen's compensation act does not reach this class of disabilities. My State is doing all it reasonably can for this class of cases, but we need help.

All of the safeguards that I think could surround the bill have been placed in it. It must be nonmineral, unreserved, public land. The Members of the House perhaps may be interested in knowing that in my State 74 per cent of the land is owned by the Federal Government on which we realize no revenues whatever.

There are about 25,000,000 acres of land in the public domain from which this grant would be satisfied if the bill becomes law. These lands have no supervision whatever. Most of them are almost, if not quite, worthless for agricultural purposes and may be used only during certain parts of the year for grazing. It is out of that great area that this grant, if allowed, would be satisfied.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. MORTON D. HULL. What does the gentleman anticipate will be realized for the hospital out of any such grant?

Mr. COLTON. The State will probably not sell any of this land for less than $2.50 an acre. The principal could not be used for the construction of the hospital nor maintenance of it, but only the interest on the funds realized. There is a demand for land and we can probably get a better price than we did for the original lands granted to the State.

Mr. MORTON D. HULL. The gentleman expects to get $2.50 an acre?

Mr. COLTON. About that, and more if we can.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. CRAMTON. The gentleman knows there is under way some reclamation development in the State. I am not sure to what extent, if any, this might in the future affect undeveloped public lands, but it would seem to me quite undesirable to permit lands that might later be included in a Federal reclamation project to be sold and go into private ownership through this bill, because the difficulty we now have with regard to reclamation projects is the handling of undeveloped privately owned lands. Also, there is the possibility of Federal use of some of these lands in connection with Bryce Canyon National Park and, perhaps, Zion National Park, but I have particularly in mind Bryce Canyon National Park.

Certain gentlemen have been interested in some expansion of the Bryce Canyon National Park, and it has been urged that there is land of suitable character adjacent to it. So it seems to me it would be quite undesirable to permit the State to select lands that thus go into private ownership if we are likely later to want to get them back for public uses.

I notice the bill provides that the selection shall be subject to the approval of the Secretary of the Interior. Of course, that gives enough discretion to the Secretary so that he can protect the situation, but I am not at all sure he would have that thought in mind. What can the gentleman suggest as to that?

Mr. COLTON. As the gentleman knows, the present policy of the Secretary of the Interior is to extend the activities of the Reclamation Service into those areas which have already passed into private ownership. In other words, there are no new projects, so far as I know, being contemplated to reclaim wholly virgin lands. I think that is particularly true in my State. I agree with the gentleman from Michigan that it ought not to extend to cases such as he has mentioned. I do not think it would, and I think the Secretary of the Interior would have full authority under this bill to see that it does not include lands which are now included in reclamation projects or which will hereafter, as a matter of fact, come under reclamation projects.

Mr. CRAMTON. There is no doubt about his authority if he will only give thought to that phase of the question. I know that the Salt Lake Basin project is under development, and it is very possible that some public lands might be mixed with that project. It is difficult to reach the situation by language. The best I have been able to do is to suggest at the end of the bill the following language:

And not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects.

Mr. COLTON. I see no particular objection to such an amendment. That would give a chance for a study and classification of the lands before action is taken and would challenge the attention of the department to that class of lands.

Mr. CRAMTON. It would at least challenge their attention to this thought.

Mr. COLTON. Yes; it would do that.

The CHAIRMAN. The time of the gentleman from Utah has expired.

The Clerk read the bill for amendment.

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of line 12 strike out the period, insert a comma and the following: "And not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects."

Mr. COLTON. Mr. Chairman, I see no objection to the amendment.

Mr. LaGUARDIA. Will the gentleman from Michigan [Mr. CRAMTON] yield?

Mr. CRAMTON. Yes.

Mr. LaGUARDIA. Is not the wording too broad—"likely to be needed"?

Mr. CRAMTON. What the amendment tries to do is something that can not be covered in a hard and fast way. The principal thing is to challenge their attention. It would still be in the discretion of the Secretary, but this would challenge his attention to the possibility of needing the lands for reclamation or national-park purposes.

Mr. LaGUARDIA. The gentleman understands that in making it as broad as he does he makes it broad both ways. The amendment gives the Secretary, after all, a great deal of latitude, both in reserving land and in saying that at the present time there is no likelihood of its ever being used.

Mr. CRAMTON. The gentleman from Utah [Mr. COLTON] suggested language that I think might go even further than this. I think when you say "likely" then the Secretary considers existing and proposed reclamation projects and existing parks and will give thought to the possibility of needing the land. If there is not any likelihood of it being needed, I would not expect him to exclude it.

Mr. COLTON. I understand that it would simply challenge the attention of the Secretary of the Interior and that he would not likely approve State selections of land that might be included in a reclamation or national-park project.

Mr. CRAMTON. I want him to consider that phase of the matter.

Mr. LaGUARDIA. If it will serve the purpose which the gentleman has in mind, well and good; but I think the gentleman will agree with me that it is not good legislative phraseology.

Mr. CRAMTON. I will agree that it does not tie the hands of the Secretary. The discretion is still in his hands, and the determination of the likelihood is in his hands.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ASSESSMENT OF BENEFITS AGAINST PUBLIC LANDS AND LANDS HERETOFORE OWNED BY THE UNITED STATES

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis levee district of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the

establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States, but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser and such entryman or purchaser may be entitled to patent therefor.

SEC. 2. All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever, and the consent of the Government of the United States is expressed thereto subject to the conditions aforesaid.

SEC. 3. This act shall be available to the St. Francis levee district of Arkansas, and to any such improvement district within the boundaries of the St. Francis levee district heretofore created or hereafter created as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas.

SEC. 4. That in all cases where there has been a foreclosure of the liens of any improvement district and said lands have been purchased by the said districts, it shall be the duty of the Commissioner of the General Land Office, upon proof of such sale and purchase and upon the payment of the sum of $5 per acre, together with the usual fees and commissions charged entry of lands under the homestead laws, where such payment has not heretofore been made, to execute to said district or districts a patent to said lands; and in all cases of future foreclosures and purchases by said districts it shall be the duty of the Commissioner of the General Land Office, upon the payment of a like sum and proof of the foreclosure and purchase by the said districts, to execute to them patents for the lands so purchased upon the expiration of the period of redemption.

SEC. 5. If any portion of this act be held unconstitutional, such decision shall not affect the remaining provisions of the act.

SEC. 6. This act shall repeal all laws and parts of laws in conflict herewith and shall take effect forthwith.

Mr. COLTON. Mr. Speaker, I yield such time as the gentleman may desire to use to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Speaker, the necessity for this legislation arises from a decision of the Supreme Court rendered in 1926, in the case of Lee against The Osceola & Little River Improvement District, in Arkansas. This decision is reported at page 643, volume 268, of the United States Supreme Court Reports. It involves the right to levy improvement taxes on lands formerly owned by the Government in that area.

These lands were created by earth disturbances in 1911 and 1912. I mean that the conditions which exist there are due to the disturbances at that period of time. The disturbances were known as the New Madrid earthquake and affected certain areas in northeast Arkansas, southeast Missouri, and west Tennessee. Possibly some of you gentlemen will recall the celebrated Reelfoot Lake region of Tennessee, a very great fowl resort, created at the same time.

The result was to lower certain areas in this country and cause them to become drainage basins for the higher elevations around about them. The lands of this country are alluvial, in the Mississippi Valley, practically level, but, of course, with some little depressions and slight elevations running through them. These lands were heavily timbered at the time of this disturbance and while the water standing in the basins killed the growth of timber, which was such as you find on the adjacent higher elevations, still evidences remained there of the fact that at one period of time it was comparable with the higher lands of the region.

Levees were constructed along the Mississippi River front which prevented an overflow from the river. These levees were of such size as to protect these lands against the ordinary floods of the river and caused the lands gradually to become uncovered. When it was manifestly possible to reclaim this land, local levee districts and drainage districts were organized, and these lands were embraced within such districts. Artificial canals were provided at great expense to the owners. These lands were uncovered. When it became evident the Government had interest in the land investigation was made by the land department, with the result that certain suits were instituted under Government claim of title.

Under the law of Arkansas, the title of a riparian owner extends to the thread of the stream on all nonnavigable waters. These riparian owners claimed title to the areas that had been marked by the United States Government surveyors between 1836 and 1847. When the surveys were made and they were plotted as lakes and meandered as lakes, and therefore the individual owners asserted title to the property.

When the Government's claim of title was successfully asserted to the lands they were resurveyed and thrown open to homestead and the people occupied the land. They have made their homes there and in most instances they have improved them, and the improvement districts are responsible entirely for the value of the land.

When they were included in the improvement districts, there was one man within the area who declined to pay the improvement tax. The taxes were annually paid by the people and they were going along enjoying the improvements. This man Lee raised the question of the right of the State to levy a charge on the lands that were Government lands at the time of the organization of these districts. The Supreme Court sustained his contention, leaving the districts in just this attitude. The cost of the reclaimed lands were included in the general estimates of the expense of the work.

Bonds were sold on the strength of the values, including the land. They are in the hands of purchasers generally. Now, when the lands are exempt from their part of the burden, necessarily the land adjoining, the higher land, which is less benefited, must pay the proportion of the tax levied on the 25,000 acres of land formerly Government land.

Mr. MORTON D. HULL. The lands that get the exemption from taxation are the ones benefited by the expenditure of the money.

Mr. DRIVER. Yes; the greatest benefit, and without the reclamation work the lands would be absolutely valueless. The work has been completed and they have paid for many years.

The policy of the district is this: Not to levy a dollar of improvement tax on any of the former Government land that is not actually and has not actually ripened into title. The bill safeguards to the extent of providing that no part of the levy can be placed on any land not entitled to a patent.

Mr. WELSH of Pennsylvania. In what position does that place Lee?

Mr. DRIVER. It seeks to place him in the attitude of others and makes him pay his part.

Now, the Interior Department has made an adverse report on this bill; notwithstanding the fact that I communicated with Judge Finney and went over the matter with him, he seems not to have grasped the actual situation. He seems to think that the whole proposition is a matter of relief from flood damages. The levees in front of the property held in 1927, and the only damage we sustained, was through a break in the State of Missouri, which did not involve this district in any way.

Then there is another objection—if I do not correctly state it, I will ask to be corrected—the gentleman from Michigan [Mr. CRAMTON] seems to think that this bill makes a change of policy. That is predicated on one of two assumptions; one is that the Government land ought not to be levied on without the right having previously been granted.

That was done on some of the areas, but they simply overlooked that fact with respect to these areas. North of this there were certain lands owned by the Government where authority was given by Congress to levy the taxes in advance of occupancy of the homesteader. That was a charge on the land and they were required to pay it. In this instance this was not done. That would be one of the reasons. The other reason that I could conceive is the fact that this bill provides that when the lands are not paid on, if such a thing should occur, and the district authorized under our law to become the purchaser of delinquent lands to protect themselves, they would have the right to go to the department and secure a paper title to these lands, upon the payment of $5 per acre for the land. You gentlemen can readily see the necessity of this legislation. What effect would the improvement district get out of a proceeding in our local courts and the right to condemn and sell the property for their failure to pay these assessments, unless they could secure title through which they could pay and get returns for the amount of money charged against the lands?

Mr. MORTON D. HULL. Does this relate to the invalidity of past special assessments?

Mr. DRIVER. Yes.

Mr. MORTON D. HULL. Do you make any distinction as between future assessments?

Mr. DRIVER. Not at all, because it provides that the assessments may be placed on those lands when the title ripens only,

and not against the Government lands, but against the occupant of those lands once the title ripens.

Mr. MORTON D. HULL. How far do you go back?

Mr. DRIVER. We fix a limitation that it can not be charged except from the time the title ripens.

Mr. MORTON D. HULL. When you are making an assessment you are making it with reference to the assessment you have already made against the land in private ownership, and that assessment may be 5 or 10 years past.

Mr. DRIVER. So far as private ownership, but as to these particular lands, we have a provision by which the districts are limited, in order to make this charge, when the title ripens in these parties, and no back taxes are to be paid. There is to be no effort to do that, because we are undertaking to deal with the matter just as fairly as possible, and those landowners can be entitled to no more than that.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. Yes.

Mr. CRAMTON. I am not clear on that. It was my impression that the collection of the tax would not be permitted, as section 1 says, until the date when the entryman or purchaser is entitled to a patent, but that does not necessarily prevent, and it is not understood that the bill prevents, the levying of the assessment and letting it accumulate and hang there, and then the minute he gets his title, stepping in and demanding payment. That has been my understanding.

Mr. DRIVER. If the gentleman has a fear that that will be the effect, I will work out with him now an amendment or let him offer an amendment that he knows will preclude that possibility, and I shall accept that amendment. All I want is a fair deal for the people who own the lands whose burden is going to be heavier. I am willing to stop it right there and state that they can not be assessed other than beginning now and in the future.

Mr. CRAMTON. I am not arguing with the gentleman. I want to get an accurate understanding of the bill.

Mr. DRIVER. I know the gentleman's attitude is one of fairness and I have never complained about it.

Mr. CRAMTON. If there is not to be an accumulation of assessments, and not a levying of assessments until the title passes to the individual, after the title does pass, then what levies of assessment is the land to be subjected to?

Mr. DRIVER. Only to the taxes accruing from that day on, according to the assessments made.

Mr. CRAMTON. I am frank to say that this is a rather complicated question, and that I have not so clear an understanding about it, but I do not just see the advantage to the gentleman's people from the bill under that situation.

Mr. DRIVER. May I explain this to you, and I am stating this of my own knowledge?

Mr. CRAMTON. I suggest this for the gentleman's consideration, that without this bill, after the title passes, the land can be taxed and the assessment levied.

Mr. DRIVER. I beg the gentleman's pardon. That is exactly the thing that the Supreme Court of the United States says shall not be done, in the case I just quoted of Lee against The Improvement District.

Mr. CRAMTON. Not for work done before the title passed, but for improvements made afterwards.

Mr. DRIVER. No; you can not assess if that district was organized previous to the time the title passed from the Government, is the decision of the court. There is no doubt about that. We will not disagree, because if the gentleman will read that decision he will find that there is no way to resolve even a question of doubt about it.

Here is the thing that I started to say to you gentlemen in answer to the question propounded by the gentleman from Michigan [Mr. CRAMTON]. These assessments have been paid up to the time and the year following the decision in the Lee case. Therefore I am in the attitude so that it will not impose any more burden on these land owners than the mere loss of two years' assessment on that property if I accept his amendment. These lands are free of any charge up to that time, and, of course, have been since.

Mr. MORTON D. HULL. They paid without knowing.

Mr. DRIVER. They were not advised until the decision in the Lee case. It is necessary in our alluvial country to clean out our drainage canals at intervals, and therefore we have a law providing that may be done and reassessment made to the extent of the actual cost. So they undertook to levy under the right of reassessment and after the Lee case was decided and it was decided there was no authority to levy, and, of course, the result was that many refused to pay. And no man can criticize his fellow man where he is enjoying the benefit of money expended and works built, to decline to pay, after the other fellow would not; therefore all quit and left those whose land was least benefited to bear the burden. That is the attitude we are in. A further explanation. Some question has been raised about the legal effect of this bill. I have not placed myself in the attitude of going into that which possibly ought to be presented. I will say this to you: The attorneys—and they were men of eminence in our State—gathered together and agreed that if they had the authority of such enabling act by this Congress it would enable them to impress the lands, and I am relying on their judgment that with this authority they will be able to do so.

Mr. MERRITT. They think it is constitutional?

Mr. DRIVER. Yes, sir. I was in conference with them.

Mr. LaGUARDIA. It would seem the Secretary of the Interior is under a misapprehension.

Mr. DRIVER. Entirely. I may say I discussed this situation in advance. I discussed it with Judge Finney, whose fairness can not be criticized by any man, but in some way he confused the matter with the idea of relief against flood damage. Of course, this has nothing in common with that and relates to the burdens carried by lands that should have been assessed but were not, and will increase the charges against those who were least benefited. Gentlemen, I am obliged to you for your attention. [Applause.]

Mr. CRAMTON. Mr. Speaker, I ask recognition in opposition to the bill.

The SPEAKER. This is a House Calendar bill.

Mr. COLTON. I yield the gentleman 15 minutes.

Mr. CRAMTON. Mr. Speaker and gentlemen, I asked time in opposition; however, I am not sure I would necessarily be in opposition to what the gentleman from Arkansas states he wants to do. I am not at all sure, however, that the bill does what the gentleman from Arkansas wants to do or that it is limited to that. My first impulse was in opposition to the establishment of a precedent to permit the collection of taxes from the Government upon Government property, and that policy we have accepted nowhere as yet. This bill does not seem to constitute such a policy. Then I feared the accumulation of burdens of assessment that would face the entryman when he receives his patent. The gentleman from Arkansas insists that such is not the purpose of the bill; and as to the purposes, as the gentleman himself states it, so far as any comprehension grasps it, I am not opposed.

But I think there is a grave doubt whether there is not something more involved. I have a great deal of confidence in the gentleman from Arkansas [Mr. DRIVER], but he admits that he has not thoroughly considered all those aspects. So far as the bill being drafted by eminent lawyers of his State goes, I have had opportunity to note that very frequently bills which are drawn in very noted law offices do not accomplish what they are intended to accomplish. Our duty is to give it a study here. The department has studied it, and the department is much more familiar than I am in reference to these questions, and they point out certain questions based on the language of the bill. That is what becomes the law—what the bill reads and not the intent of the gentleman from Arkansas or my intention—and they have pointed out things concerning which the committee does not seem to have made any effort to meet the views of the department. I have gone over the bill, and I am not able to read it as stated. For instance, in the first section, that very broad section, which says—

That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, roads, and other improvement districts.

As to that, the Interior Department raises a question about that provision, "other improvement districts," because there is no intimation as to the specific nature of those districts. Certainly the need is great to have what is intended specified. It ought to be specified.

Mr. DRIVER. I will say to the gentleman from Michigan that our roads have been taken over by the State highway commission, and there is no possibility of levies by road districts.

Mr. CRAMTON. That is also referred to in their report with reference to special road taxes. But the bill further says:

The consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis Levee District of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levies and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

I have my doubts whether it is possible for the Federal Congress to cure an act of a State legislature. It is going a long way to attempt to cure defects in State legislation. Then the bill provides:

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser—

Not when he receives the patent, but when he is entitled to a patent for such tract—

and such entryman or purchaser may be entitled to patent therefor.

Then section 2 provides that—

All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed.

Now, if that does not apply to assessments heretofore made against these lands, what does it apply to? There is nothing to indicate but that the word "cured" applies to assessments heretofore made against such lands. Then the section proceeds:

And the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever—

That is to say, the assessments made under State law are hereby cured and confirmed and shall not be set aside on any ground or for any cause whatsoever.

Mr. DRIVER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. DRIVER. The gentleman recalls that on page 2, beginning with line 4, there is an express provision that no assessments shall operate against the lands of the United States Government—

nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land.

Mr. CRAMTON. If the gentleman will permit, that applies to the collection of the tax. I think that is clear, that no tax can be collected. But the tax can be levied, and it can accumulate, and all of that; so that my criticism now is that it does not reach just the narrow proposition that the gentleman wants to reach, but is much broader. And then, beyond that, there is an apparent attempt on the part of Congress to legislate upon things that are not within our jurisdiction at all. How can Congress says that assessments under a State law are cured and confirmed, and that no attack shall be made upon them on any ground or for any cause whatsoever? I can see how we can consent, so far as assessments on our land are concerned.

Mr. DRIVER. Would it amount to more than that consent on the part of the Government?

Mr. CRAMTON. We can consent to waive technicalities of which we might take advantage, but we can not prevent others from taking advantage of technicalities.

Mr. DRIVER. We ought to be able to get in.

Mr. CRAMTON. It seems that what the gentleman wants to do does not require much argument, but I do not think the bill is along the exact line that the gentleman has in mind. I have only time in taking up these provisions to call attention to the need of consideration in the form of this bill. My idea is that it either ought to go back to the committee or be passed over for a week, so that in the meantime the gentleman from Arkansas can work out definitely what he wants to do, and not do other things.

When you get to section 4, that requires the sale of these lands on foreclosure to the district and not to anyone else. It may be true that the department has not clearly understood what the gentleman from Arkansas is trying to do, but the department is experienced in these matters, and here is a report that makes definite suggestions, and I do not believe that with our limited experience and the limited amount of consideration we can give to the matter we ought to blindly go against this report.

For instance, the report says in its last paragraph:

Furthermore, I am without information as to the effect of the bill, if enacted, on the interests of the Government of the United States in connection with the efforts now under way to assure against further disasters like that of 1927. While I would not deny to any entryman or claimant or lawful lien holder any right he may have under present law, I very much doubt the advisability of a general waiver by the Government of its title to public lands in the area that will be affected by flood-control legislation. The Government may possibly be required to condemn at considerable cost the lands for which it would receive but $5 an acre under the bill.

I am not going to take time unduly, but I express my opinion that the bill does not accomplish what the gentleman from Arkansas feels it will accomplish, and that it opens up other avenues of doubt.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WELSH of Pennsylvania. Granting that the gentleman's suspicions as to the inadequacy of the legislation are well founded, does the gentleman think any possible harm could arise by reason of this legislation?

Mr. CRAMTON. Yes; I think harm could arise in two ways. First, I am not at all sure it would cure the situation that the gentleman from Arkansas wants to cure, because I do not think it says what he thinks it says. Secondly, I have no idea of the effect it might have upon conditions which the gentleman from Arkansas, and those who drafted the bill, have not taken into consideration at all. Blanket authority is given in section 1:

That the consent of the Government of the United States to the levy of special assessements based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis Levee district of Arkansas, within the State of Arkansas, is hereby expressed and given.

We give broad consent to the levy of special assessments on lands within that district whether the title has passed to the entrymen or not. Now, the gentleman from Arkansas does not expect that they will be levied against the land until title passes, but this does not say that. It says consent is given without regard to the condition of the title and:

The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

My suggestion is that a week's further consideration might greatly benefit the bill and I suggest that the gentleman from Arkansas let it go over to the next Calendar Wednesday of this committee.

I will summarize my objections to the bill in this way: First, I am not sure it will do what the gentleman wants it to do, although I think I worry less about that than I do about other things in the bill; because the gentleman from Arkansas can take care of himself very well. Secondly, I am afraid it will do something that the gentleman does not have in mind and which possibly ought not to be done, such as the assessment of these benefits before the land passes out of the hands of the Government, not that they would have to be paid by the Government, but they would accumulate there and then when title passed they would have to be paid. Third, the rather ridiculous idea of the Federal Government attempting to cure defects of State legislation. They say to confirm and cure State legislation, and they say that landowners shall not have the right to go into court and set up any kind of defense against these assessments.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. As I have understood from the gentleman from Arkansas, the purpose of the bill is to protect the drainage district in attempting to levy assessments against lands after the title is acquired, the Supreme Court now having held that no such levy can be made against lands where the title has passed into private ownership after the creation of the district. Now, does not the gentleman think that the amendment suggested by the gentleman from Arkansas meets the objection he has made?

Mr. CRAMTON. Not at all. The bill is so far-reaching that the limited amendment suggested does not reach it. I think there needs to be much more drastic action as to change in the text of the bill. I understood the gentleman from Arkansas to say that the court has held, for some reason I am not familiar with, that even after the lands in this drainage district or levee district come into private ownership they are still not subject to assessment, and he wants to cure that. I do not see any objection to that being cured, from what I know about it now.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. DRIVER. Possibly I can save time. I would be very glad to get together with the gentleman and undertake to iron out these differences. I understand this committee will have a day next Wednesday; and if that is true, I make the suggestion that this measure be withdrawn at this time, which will enable me to go into conference with the gentleman who is speaking, I know, the policy of the Land Department.

Mr. CRAMTON. I do not want them held responsible, because they have trouble enough now.

Mr. DRIVER. But I believe that is responsible for the attitude of the gentleman on the floor; and if it is, it is entirely commendable.

I will be very pleased to confer with the gentleman and see if we can not obviate the difficulties he has pointed out. I would like to do that. I want the relief and I want it obtained in a way so it can be substantiated.

Mr. CRAMTON. I will say to the gentleman no one is to be held responsible for my acts here but myself. I have not consulted with the Land Office, but I have tried to study out the effect of the bill. I will be delighted to confer with the gentleman, but I am sure there are others he will confer with who will be more helpful.

Mr. DRIVER. I will be pleased to confer with anyone who has an interest in the matter.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DRIVER. Yes.

Mr. LAGUARDIA. If the Supreme Court of the United States has passed upon the rights of certain individuals and has cleared them of any obligation of payment of certain State assessments, can we by an act of Congress reimpose such an obligation?

Mr. DRIVER. That is the opinion of the attorneys who have been in consultation on this matter in a very careful way. It is in the nature of an enabling act that will reach it.

Mr. MERRITT. It perhaps refers only to future assessments.

Mr. DRIVER. Future assessments, and I am willing to limit the bill entirely to that. I will simply say to the gentleman from New York that if this can not reach it, then these landowners will be forced to get under it and pay for the benefits to the land.

Mr. COLTON. Mr. Speaker, from this discussion it is apparent this is a matter of far-reaching importance, particularly to the State of Arkansas, and I am convinced it can be worked out. I ask unanimous consent that the further consideration of this bill be deferred until the next Calendar Wednesday, a week from to-day, when the Public Lands Committee will have another day.

The SPEAKER. The gentleman from Utah asks unanimous consent that the further consideration of the bill be deferred to-day and that it be in order to proceed with it on the next Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee. The date ought not to be fixed, Mr. Speaker.

Mr. COLTON. The next Calendar Wednesday that the Public Lands Committee is entitled to.

The SPEAKER. To the next day that the Committee on Public Lands has the floor on Calendar Wednesday.

Mr. COLTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

BOWDOIN, MONT.

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14925, with Mr. KETCHAM in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That any excess amounts paid by the purchasers of certain town lots in the town site of Bowdoin, Mont., and authorized to be repaid by the act of Congress approved June 8, 1926 (44 Stat. p. 708), shall, upon certification by the Secretary of the Interior, be paid by the Secretary of the Treasury in all cases where the application for refund was received in the Great Falls local land office on or prior to June 15, 1928.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, the sole purpose of this bill is to extend the time during which applications for refunds for excess payments made in the purchase of lots in Bowdoin, Mont., may be made, and during which those excess amounts themselves may be made to those who show they are entitled to them.

The situation is that the town site of Bowdoin, Mont., was established on Government land, and a sale of lots took place. At that time there existed a division point on the Great Northern Railroad, which was later abandoned, and the shops and other buildings were moved away. The lots had been sold partly for cash payments and partly under provision of three annual payments.

With the moving of the division point the situation changed entirely. This Congress passed first a bill that would allow a reappraisal of these lots, and then another bill that would allow a refund of the excess payments that had actually been made above the reappraised prices. A period of two years was then given during which these applications might be received. This period of two years passed with the 15th of last June, but other applications have since been received. I know personally of some cases in which applications were not made within the period through a lack of knowledge that such a law had been enacted.

The entire purpose here is to extend that period of time until the 8th of June of this year, giving them a year from the expiration of the original law.

The bill has the favorable report of the Department of the Interior and of the Budget, and is a matter of simple justice in order to close up these matters and return money that the Government has in its possession and which it states, through actions of Congress and through the favorable report of the department and the Budget, it is not really entitled to keep.

The Clerk read the bill for amendment, with the following committee amendment:

Page 1, line 9, strike out the language "was received in the Great Falls local land office on or prior to June 15, 1928," and insert in lieu thereof "if received on or prior to June 8, 1929."

The committee amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendment be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14925, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to, and that as amended the bill do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE ARMY PROMOTION PROBLEM

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 13509, relating to the promotion situation in the Army.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SENSE OF JUSTICE SHOCKED

Mr. McSWAIN. Mr. Speaker, the fact that these emergency officers have been discriminated against by disregarding and flouting of the grades in which they were appointed has appealed to the sense of justice of the American people and is reflected by editorials in numerous newspapers since the matter was brought to the attention of the country. Naturally newspaper editors, Members of Congress, and all persons familiar in the slightest degree with military organization would be shocked to find that officers appointed captains were preceded on the promotion list by officers appointed first lieutenants and second lieutenants, and that officers appointed first lieutenants were preceded on the promotion list by other officers appointed second lieutenants. The very statement of the case shocks the conscience of the disinterested bystander. It suggests that the War Department thinks that there was something wrong with the qualifications of those emergency officers appointed captains and first lieutenants, whereby they should be outranked by

officers 9 or 10 years younger and holding commissions as second lieutenants, while the captains above mentioned held commissions of much higher rank, such as captain and above.

NEWSPAPERS FOR JUSTICE

Some of the newspapers taking notice of this outrageous situation are the Washington Post, by its editorial of December 15, 1928; the Washington Evening Star, by its editorial of December 14, 1928; the Washington Times, by its editorial of December 14, 1928; the New York Times, by its editorial of December 29, 1928; the Newport (R. I.) Daily News of December 26, 1928; the Chattanooga News of January 8, 1929; the Omaha Bee-News of December 24, 1928; the Lakeland (Fla.) Evening Ledger of December 28, 1928; the Spartansburg (S. C.) Journal of January 1, 1929; the Sunday World-Herald, of Omaha, Nebr., of December 30, 1928; the Pittsburgh Post-Gazette of January 4, 1929; and numerous other papers, clippings from which are not before me.

These newspapers would not have been impressed and would not have taken the stand that they have except for the plain and simple conclusion that somebody, either the War Department or the Congress, treated very unjustly and unfairly those emergency officers of the rank of captain and below that entered the Regular Army under the national defense act of 1920. It is plain that there has been a violation of the simple and elemental rules of military organization. If those officers appointed captains and first lieutenants were not qualified to be captains and first lieutenants unreservedly and unconditionally, and to be promoted to become majors above all officers of lower rank, then they should never have been accepted as officers at all.

I quote the following from the study of the War Department, above referred to, found on page 29:

Thus on the day that the original promotion list was formed large numbers of promotions were made under it. This caused many men of long service who had just been appointed as first and second lieutenants to be promoted to the grade of captain, and caused second lieutenants to be promoted to the grade of first lieutenant. It has been frequently stated that in these initial promotions some officers "jumped over" others. This is not the case in the sense that any officer's position on the promotion list was changed. Lieutenants whose positions on the list were above many captains, by virtue of their longer commissioned service, were, under the law, entitled to promotion to existing vacancies and were so promoted. In this process no officer was demoted. Many captains held and continued to serve in that grade in which they had been appointed, although the grade was higher than that commensurate with their length of service and position on the promotion list. Being included in the authorized number of captains they actually operated to prevent or delay the promotion of lieutenants above them on the promotion list.

Note that it is here stated that some of these emergency officers appointed as captains and having an average age of about 37 years on July 1, 1920, actually blocked and interfered with the promotion of junior officers, then holding commissions as second lieutenants and some of them first lieutenants. This statement of the War Department seems almost ridiculous. In other words, in the extreme effort to find arguments to support the existing arrangement of the promotion list they hold that some of these emergency captains were blocking other officers deserving and entitled to promotion over them and that these junior officers of lower grade were not blocking the promotion of these captains.

The logical deduction from the various statements of the War Department, by its study, and by its representative before the Military Affairs Committee of the House is that it was a matter of grace and favor to appoint these older persons as captains. They argue, in effect, that if these older captains had been treated according to their qualifications they would have been appointed second lieutenants. It is the theory of those advocating the present arrangement of the promotion list in the grades of captain, first lieutenant, and second lieutenant that all officers should enter at the bottom of the list as second lieutenants. Therefore, they hold that these older emergency officers, now doomed to be captains as long as they are in the service and until retired at the age of 64 years, have no ground of complaint, because they were gratuitously given commissions as captains when they should have been commissioned as second lieutenants. This logical deduction from the arguments of the War Department is the reduction of its position to an absurdity.

If, however, the Congress will adopt the Wainwright bill, as amended by what is known as the McSwain amendment, justice will be done to those older captains and older first lieutenants, and no injustice will be done to those younger officers who jumped to the rank of captain from that of second lieutenant on July 1, 1920, and are now on the promotion list above those older captains. Why do I say that no injustice will be done those younger officers? Because, as was correctly stated by the Secretary of War in a statement read by him before the Senate Committee on Military Affairs on January 10, 1929, when he used the following language, which is obviously true:

If a policy of promotion on length of service in grade should be adopted without any restrictions (although I am not advocating this), the exaggerated importance of an officer's position on the promotion list would disappear. All would advance in grade upon serving the required period of time. Relative positions on the list would be of slight importance.

Under the Wainwright bill, captains would be promoted to majors at the expiration of a fixed period of time from the date of their commission, irrespective of their position on the promotion list. Therefore, within a few months of each other, all of these older emergency officer captains and all of these younger Regular Army captains will become majors. Then a few years later, within a fixed period of time and within a few months of each other, all of these officers would become lieutenant colonels. That being so, these younger officers that have enjoyed the rank of captain for so many years longer than they would normally have done, would not suffer any serious disadvantage from the rearrangement of the promotion list. It is true that the older officers, when they all become majors and lieutenant colonels, will outrank these younger officers, as they should. We must assume, as we are obliged to do, that all of these officers have the same average intelligence and the same average education. These factors being equal, the officer with the greater age, the greater experience, and, therefore, the greater knowledge, is better prepared to command battalions and regiments. Furthermore, the older officer presumably has the larger and more advanced family and is, therefore, entitled to the larger house on the post. In the absence of the commanding officers, the older officer should naturally take command. These things that seem immaterial to civilians, are very dear to the hearts of military men, and are the incentive and motive for their efforts to efficiency and fitness. If we disregard them to the detriment and discouragement of these older emergency captains, we commit an injustice that can never be cured.

No better argument could be made respecting the rank and grade in the arrangement of the promotion list than was made by Col. Thomas M. Spaulding in a statement that he made before the Committee on Military Affairs of the House of Representatives on February 5, 1920, at page 2038 of volume 2 of the hearings. I quote this part of his language:

But we can not put men who are appointed as lieutenant colonels or majors in according to their commissioned service. They can not afford to come. A man who is good enough and old enough to be appointed as lieutenant colonel, for instance, yet has only had, perhaps, two years' or three years' service in the Army. Nobody could have had more than three years' service under an emergency commission. A man we take and appoint lieutenant colonel or major can not be put among Regular Army officers with only two or three years' service. It would not be reasonable to appoint him lieutenant colonel and say he shall have no promotion until after some whom you make first lieutenants. So this provision is that these people who are selected for appointment as lieutenant colonels and majors shall be put on the list along with all the other lieutenant colonels and majors in the Army.

If officers of suitable age and experience could not be expected to accept positions as lieutenant colonels and majors without any reasonable prospect of promotion, if their names had been arranged according to length of commissioned service, and if thus they had been placed on the list below captains, first lieutenants, and second lieutenants, then the same argument with equal or greater force applies to these emergency captains especially who had held that rank or higher rank during the World War and were commissioned as captains on July 1, 1920. The captains thus commissioned in the Regular Army were, on an average, about 37 years of age, whereas the captains of the Regular Army at the same time were, on an average, of about 28 years of age. Under the law no person under 36 years of age could be appointed a major, and, as a matter of fact, the average age of majors appointed was about 43 years.

Applying the same argument to these captains, and, in fact, also to the first lieutenants who had been emergency officers and were commissioned first in the Regular Army after the passage of the national defense act of June 4, 1920, how could we expect men of their age and experience and education, both in war and in peace, to be willing to accept positions on the promotion list below persons of one or two grades lower in rank? It is plainly admitted by all persons having the information, and, in fact, by the study which the War Department

made and reported to Congress on that subject, as will appear by reference to page 73 of parts 1 to 3 of the hearings before the House Military Affairs Committee on promotion and retirement, that the emergency officers who accepted commissions in the Regular Army were ignorant of the interpretation that the War Department would put upon the law, and these emergency officers expected to be placed upon the promotion list according to grade. Again, on page 23 of said study of the War Department, we find this admission:

> The law evidently seemed clear and unmistakable, in its intent to those persons in Washington charged with carrying out its provisions. It later developed that the law was not so clearly understood by the two above-mentioned classes of boards or by the candidates.

Undoubtedly, not only were the emergency officers surprised to find themselves preceded on the promotion list by first lieutenants and second lieutenants, but the country generally was surprised, as was General Harris, then The Adjutant General of the Army, and numerous other prominent Army officers.

There is one part of the above study of the report of the War Department which, it seems to me, not only is self-condemnation by the War Department, but constitutes a serious indictment of the ability and character of these emergency officers who are complaining that they have been unfairly and unjustly surprised by the manner of the arrangement of the promotion list. The language that I refer to is found on page 23 of the same compilation under the general head of Promotion and Retirement, and is as follows:

> The examination was regarded and was so devised as to serve primarily as a test merely of the applicant's suitability for appointment as a commissioned officer of the Regular Army, and, secondarily, to determine the grade in which to appoint him and in which he should serve until such time as the new promotion list was formed, and he became due for promotion in accordance therewith. It seems clear from the law, although it does not seem to have been generally understood by the appointees, that (1) the examination of candidates and their appointment in various grades, and (2) the placing of these appointees on the promotion list were two entirely distinct and separate operations, the latter being entirely independent of the grade in which appointed—except for a few persons appointed in field grades—and being solely according to the length of commissioned service.

This amounts to a condemnation by the War Department of its own incompetency and inefficiency when it says that the examinations conducted by it were no proper and fair test of the qualifications of the officers. The instructions plainly and distinctly stated that the examining boards should consider all the qualifications of the candidate and especially with reference to the rank for which he was applying. The boards conducted the examinations and made their reports after exhaustive studies. The most valuable information in the former service records of these officers was in the possession of the boards and of the War Department.

These officers had been in the United States Army for at least two years, and some of them for three years and more. For the War Department now to say that these examinations were not bona fide and were not searching and were no test in reality, is a confession of its own inefficiency, that it ought not be allowed to make. It is an excuse that has been thought of subsequently for the purpose of making plausible the acts that were then performed. I do not believe that the boards of officers that conducted these examinations relish this impeachment of their qualifications and good faith.

In the next place, the statement above quoted is a very grave charge by insinuation and innuendo, that these emergency officers that had served the Government through the war for a period of from two to three years and stood rigid examinations and accepted commissions in the Regular Army, usually one or two grades below the rank that they held in the emergency Army, were not in fact and in reality qualified for the commissions that were tendered them. Just how the board arrives at any such conclusions is hard for me to find. I can not see how the board concludes that junior officers, 9 or 10 years younger, who had stood no examination since their original commission in the haste of getting ready for war, were better qualified mentally and morally to hold commissions in the grade of captain and above captain than the emergency officers. We need not blind ourselves to the facts with regard to how most of the young men, all of them under 27 years of age, obtained commissions as provisional second lieutenants. We know that as a class they were very young, just out of school or college, not married, and within the limits of the first draft law. We know that a great many of them were commissioned outright from civil life before they had ever had on a uniform and before they knew the simplest and most elemental facts of the military art. We know that large numbers of them received their training during the first officers' training camp and during the second officers' training camp alongside of those civilian candidates for commissions as emergency officers.

Therefore, for the War Department to undertake to argue that the arrangement of the promotion list for captains and first lieutenants and second lieutenants is justified on some principle and state of facts behind and beyond the mere arbitrary and meaningless standard of length of commissioned service, is a severe indictment of its own conduct of its business and a slur upon the ability and the character of the emergency officers that constituted the larger part of our fighting officer personnel, and came into the Regular Army upon the invitation of the country through its Congress when it was decided to double the defense forces of the Army.

ORIGIN AND DEVELOPMENT OF THE OFFICE OF ATTORNEY GENERAL (H. DOC. NO. 510)

The SPEAKER laid before the House the following message from the President of the United States which was read, referred to the Committee on the Judiciary, and ordered printed:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a manuscript entitled "Origin and Development of the Office of Attorney General, the Establishment of the Department of Justice, and their relation to the Judicial System of the United States," which has been prepared in the office of the Attorney General.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 16, 1929.*

LASSEN VOLCANIC NATIONAL PARK, CALIF

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Utah calls up the bill 11406 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Mr. Speaker, there will be opportunity to bring out the information that we want in the House, as the gentleman has an hour.

Mr. COLTON. Yes; I will be glad to yield time.

The SPEAKER. If the bill is considered in the House, it will be under the 5-minute rule.

Mr. CRAMTON. As long as the gentleman from Utah is agreeable to such discussion as may bring out the information wanted under the 5-minute rule, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when the public interests will be benefited thereby, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept, on behalf of the United States, title to any land within exterior boundaries of Lassen Volcanic National Park which, in the opinion of the Director of the National Park Service, are chiefly valuable for forest or recreational and national-park purposes, and in exchange therefor may patent not to exceed an equal value of such national-park land within the exterior boundaries of said national park; or the Secretary of the Interior may authorize the grantor to cut and remove an equal value of timber in exchange therefor from certain designated areas within the exterior boundaries of said national park: *Provided,* That such timber shall be cut and removed from such designated area in a manner that will not injure the national park for recreational purposes and under such forestry regulations as shall be stipulated, the values in each case to be determined by the Secretary of the Interior. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

Mr. CRAMTON. Mr. Speaker, I would like some information with reference to this bill. I think I understand the purpose of the bill, which is to permit the exchange of Government-owned land that is not in a conspicuous place in the park but in a place where the cutting of a certain amount of timber under proper regulations would not be very undesirable—to trade those lands for privately owned lands that are in sections of the park where the cutting of timber would be quite disastrous to the beauty of the park.

This matter of privately owned lands in national parks is one that we have been giving quite a bit of attention to, and the pending Interior Department appropriation bill carries a very important provision making possible the elimination of all privately owned lands in the national parks, with an initial appropriation of $250,000, and with contracts for greater amounts authorized.

Of course, under the program proposed in that appropriation bill the Government will retain the lands that it now owns and will proceed to buy such privately owned lands as this bill has reference to. I would like to think that this bill would be only an authorization and that it would not be contemplated, if this bill should became a law, that the department would necessarily proceed with these exchanges. I am not sure that it is going to be desirable, now that we have entered on a program of buying the lands, to make a trade and let the lumber company go on and cut certain lands that we are later going to buy back from them. I do not want to oppose the bill, because the need of cleaning up these private holdings in the national park is so urgent, and in some cases so acute, that any desirable authority ought to be given the department. I realize that at the time this bill was introduced and at the time it was reported there was no assurance of money being available to purchase the lands, and so the first question I ask is whether, if this bill becomes a law, it will be understood that it is not the intention thereby to direct the department to proceed with these transfers but simply give the department a discretion which we expect they will exercise in the light of the newer program of acquisition. Am I correct about that?

Mr. ENGLEBRIGHT. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has stated that at the time this bill was introduced we were faced with the problem of private holdings in many of the national parks, and particularly in Lassen National Park, pertaining to individual timber holdings. The bill was introduced with the idea of correcting that feature. Last year it was on the Consent Calendar, and I requested that it be removed from the Consent Calendar with the hope that the legislation the gentleman from Michigan refers to regarding the purchase of private holdings in national parks would be made a reality. Since that has taken place, I see really no purpose to further proceed with this bill, and I should not object to having it taken from the calendar. I am in sympathy with the gentleman's views, and that is that the National Park Bureau should have control over all these private holdings and that no cutting at all should take place in these beautiful timbered areas.

Mr. CRAMTON. Let me ask the gentleman from California whether there is any situation that this contemplates which is urgent; whether there is any cutting of this timber likely to come within the current season?

Mr. ENGLEBRIGHT. Not at all.

Mr. COLTON. Mr. Speaker and gentlemen of the committee, while this bill and this subject are before us, it seems an appropriate time to say a few words with respect to our national parks. It is taking us a long time to work out a definite policy. I think this bill and the general legislation to which reference has been made is a step in the right direction, but, after all, we have not yet reached a place where we may say that we have a definite policy regarding our parks. There are something like 13 bills now pending before the Public Lands Committee for the creation of national parks. I hope before long to see a policy adopted, at least some definite pronouncement on the part of Congress, regarding the future creation of national parks. We have bills creating parks in the bad lands of the West and in many parts of the United States. We have a very efficient bureau that has charge of our national parks.

We have been fortunate in having at the head of the Park Service one of the finest men in the country for the last decade or more. Hon. Stephen T. Mather has rendered a great service to this Nation. Unfortunately his health does not permit him to continue, but there has been a very fortunate choice made in the appointment of his successor. Horace M. Albright brings to the position of director ability and an enthusiasm which means splendid service and success for the future. Whether or not the parks are to be created in conformity with a definite plan worked out by some great architect, or whether we will take the matter of parks up promiscuously and deal with them in a haphazard way, is one of the problems that is before us now.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. WOODRUFF. The gentleman has spoken of a great number of bills before his committee for the creation of additional national parks. Is there any bill pending before his committee to extend the boundary of the Yellowstone National Park in Wyoming?

Mr. COLTON. There is legislation pending before our committee for the inclusion of certain lands in Wyoming in the Yellowstone Park or the creation of a new park in the Tetons.

Mr. WOODRUFF. I have heard of that. Could the gentleman inform the House as to the reasons why it is proposed to include these additional lands in this particular park?

Mr. COLTON. It is felt by those who are advocating the legislation that the area is up to the park standards; that the lands are wonderful and should be made a national park; and that the logical thing to do is to either change the boundary lines of the Yellowstone National Park and include these lands within it or make a new park.

Mr. WOODRUFF. How much additional land is proposed to be incorporated in the park by this particular legislation?

Mr. COLTON. The gentleman from Wyoming [Mr. WINTER] is here, and he can probably answer the question.

Mr. WINTER. About 350,000 acres.

Mr. WOODRUFF. And what is the acreage in the present park?

Mr. WINTER. Three thousand five hundred square miles.

Mr. WOODRUFF. How many additional square miles would this proposed extension mean?

Mr. WINTER. I will figure that out.

The SPEAKER. The time of the gentleman has expired.

Mr. COLTON. I ask for an additional five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, if the gentleman will just let me add this in addition to what the gentleman from Utah stated. This proposed change in the boundaries of the Yellowstone Park, as I understand, is to carry out the recommendations of the coordinating committee, which made a study with considerable care in reference to making the boundaries of the park conform in a more desirable way with the topography of the country. For instance, because of a range of mountains certain areas may be quite inaccessible, except from the park, or vice versa. It may be desirable therefore to exclude that on the other side and to bring in other land that can be better administered in connection with the park.

Mr. COLTON. The gentleman is right.

Mr. TILSON. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. TILSON. Is not all the land which it is contemplated including within the Yellowstone National Park now national forest land?

Mr. WOODRUFF. I had not so understood.

Mr. TILSON. Is any of it private land?

Mr. WOODRUFF. I could not say.

Mr. TILSON. I had supposed it to be all public lands.

Mr. WOODRUFF. I think they are public lands.

Mr. CRAMTON. The work of this coordinating commission, which included the gentleman who at that time was head of the Forest Service, Colonel Greeley, and the gentleman who at that time was head of the Park Service, Mr. Mather, together with others, named for that purpose by the President, the original proposition was to coordinate as between the Park Service and Forestry Service, and that is the result which is before Congress.

Of course it has, in addition, a very important feature that, to my mind, makes it highly important; that is, the bill reported out by the Public Lands Committee. It not only would make effective the agreement arrived at by these highly specialized and able men—and which, I should say, had as chairman our colleague from Pennsylvania [Mr. TEMPLE]—it not only would carry into effect their recommendations that are highly desirable but would also provide for the creation of the Grand Teton National Park. Anyone who has ever seen the Teton Range in Wyoming would immediately become an enthusiast for the preservation of that great scenic area as a national park. The dividing line between what should be a national park and a State park is not always easy to determine. There have been a multitude of measures before the Committee on the Public Lands to create national parks where there should be State parks instead, if anything; but this Teton situation is a case where there was a great deal of local pride in the State and a great deal of sentiment favoring the creation of a State park out of the Teton Range. I am delighted that the attitude of the State has changed and that they are now agreeable to the creation of a national park, because the Teton Range is of such rare beauty that it is of strictly national-park caliber and ought to be so administered.

Mr. TILSON. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. TILSON. Does this contemplated addition include the wild territory far to the east of Mammoth Springs, for instance, that is supposed to contain the wild herd of buffalo, or at least a wild herd of buffalo? Is it proposed to take in so much territory as to include this very wild region?

Mr. CRAMTON. I do not know whether any great addition is made to that section of the park. The gentleman from Wyoming [Mr. WINTER] would know better about that.

Mr. TILSON. I had understood that there is a herd of wild buffalo there, apparently the only extant herd of buffalo that is wild and not cared for.

Mr. WINTER. I am inclined to think that that area is not included in the present bill. The gentleman is speaking of what is known as the upper thoroughfare and upper Yellowstone River country. That is stocked with elk. That is in the proposed extension.

Mr. CRAMTON. The Grand Teton Range, those saw-tooth areas, with their ragged teeth, with the adjacent country, ought to be preserved as a national park. Personally I would rather see it made a part of the Yellowstone Park because they are not far apart. But the agreement that seems to be arrived at by the friends of the movement is for the creation of a separate park. I do not think it would hurt to speak frankly for a moment in connection with that bill. I know of no opposition to the changes suggested as to the boundaries of the Yellowstone Park that we have been discussing. I know of no objection now to the creation of the Grand Teton National Park. Then why is it that that bill is not reported to this House? It is before the Committee on the Public Lands. Why is it that it is not reported to the House? I do not want to embarrass the chairman of the committee, and I do not want to embarrass my good friend from Wyoming; and inasmuch as I am not subject to embarrassment myself, I am willing to state the reason for it.

Mr. WINTER. In the first place, the gentleman is in error in his statement that there is no objection on the part of anybody to this proposed extension. There is a very decided objection and has been at all times. There have been received in my office very recently in the last few days some very drastic resolutions from numerous bodies of persons and petitions signed numerously in the region of Cody and elsewhere against the inclusion of the thoroughfare and upper Yellowstone in the park.

Mr. LAGUARDIA. Are there any dude rangers there from my city?

Mr. WINTER. One of the dude rangers is established in that region, and he is very much in favor of the extension.

Mr. LAGUARDIA. I am glad to hear that.

Mr. CRAMTON. I regret that any of that hostility has continued. I had supposed that at least, so far as the gentleman from Wyoming is concerned, he would be entirely in sympathy with the change.

Mr. WINTER. The gentleman will find in the RECORD that three years ago I made an extended statement in favor of the extension as reported by the President's special commission, to which the gentleman has referred, with certain amendments I proposed.

Mr. CRAMTON. I think that is the reason why I have gone as far as I have gone in my statement.

Mr. WINTER. There is another point that ought to be brought out, and that is that the recommendations made by the commission referred to the north, east, and south boundaries of the park. There is an exclusion and extension on the west side that has been at issue for six or eight years. That is another reason why the bill has not been reported out.

Mr. CRAMTON. That was the reason I was going to assign. I see no difficulty about passing that important Yellowstone-Teton bill were it not for the fact that elements in the State of Idaho are acting in dog-in-the-manger fashion. They want to get control of the Beckler Meadow region and use it for irrigation purposes. They want to have it excluded from the park. Whether it is of a character that would justify its exclusion, or whether it is of such a scenic character that it ought to be retained in the park, I do not know.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, so much of my time has been taken that I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Congress does not know. Congress has not before it a report from a disinterested commission with the experience and capacity to command the confidence of Congress. Now, that is something that can be handled as we get to it. There is nothing to prevent this same coordinating commission from making an inspection of that southern and western boundary, as it has already done of the other boundaries, and making its report. Then Congress, with that report of capable experts who are disinterested before it, can act intelligently on the Beckler Meadow situation. But to say that until Congress sees fit to surrender to the demands of the Idaho irrigationists we can have no legislation affecting the Yellowstone National Park puts the people of Idaho in a very undesirable attitude before the Congress and does not tend to promote the final accomplishment of their desire.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. COLTON. As far as I am informed there has been no one objecting to this legislation before the Committee on Public Lands. At any time that a demand is made by the author of the legislation we will consider the matter. Can the gentleman tell the committee whether or not the commission to which he has referred may now function? Will it not take an additional appropriation? What would be necessary to authorize the commission to consider the proposition of the Beckler Basin?

Mr. CRAMTON. Well, I think they would need the assurance of an appropriation for that purpose and very possibly a legislative resolution would be required.

I think I ought to say this in justice to the gentleman from Idaho [Mr. SMITH], that what I have said, if it be in criticism of anyone, is not to be taken at all as any criticism of the gentleman from Idaho. I had some conferences with him in reference to this matter and had hoped to be able to cooperate with him in providing funds that would enable such a study to be made as I have discussed. I think it is entirely proper for me to say that the attitude of the gentleman from Idaho was very generous and fair in the matter, and if we had no one else except the gentleman from Idaho [Mr. SMITH] to consider there would have been no difficulty about making progress in this matter, but there were difficulties which arose in other places that it is not parliamentary to discuss.

Mr HASTINGS. I want to ask the gentleman from Wyoming whether there are any private lands included in this proposed extension. It has been stated they were forest lands, but it has not been stated whether or not there are no lands in private ownership.

Mr. WINTER. There are some lands in private ownership.

Mr. HASTINGS. That is what I rather suspected.

Mr. WINTER. But the amount is infinitesimal compared to the total.

Mr. COLTON. I will say to the gentleman from Oklahoma that I think I can now say it is the policy of the Public Lands Committee not to report any more bills creating parks until the private lands within the proposed area are acquired. Mr. Speaker, I understand it is the desire of the gentleman from California not to have action taken to-day.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask that the bill go over for further action.

Mr. BANKHEAD. Mr. Speaker, that can not be done under the Calendar Wednesday practice.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the further consideration of this bill be deferred until the next Calendar Wednesday when the Public Lands Committee has the call.

The SPEAKER. The gentleman from Utah asks unanimous consent that the present consideration of this bill be deferred until the Committee on the Public Lands has the call on Calendar Wednesday. Is there objection?

Mr. HASTINGS. Mr. Speaker, reserving the right to object, is it the purpose of this committee to use the next Calendar Wednesday, unless it is set aside?

Mr. COLTON. The committee has several bills to be considered and we will take at least a part of the day, if not all of it.

Mr. HASTINGS. The gentleman intends to go on, so far as he now knows, on next Calendar Wednesday?

Mr. COLTON. So far as I know, yes.

Mr. BANKHEAD. May I ask the gentleman from Connecticut whether it is his intention to take up the independent offices bill to-morrow?

Mr. TILSON. It is.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I present a conference report on the bill (H. R. 15569) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GIBSON for four days, on account of official public business.

To Mr. SPEAKS, for two days, on account of illness.

ADJOURNMENT

Mr. COLTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, January 17, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 17, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Metals and manufactures of, January 17.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufacturers of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof (H. R. 15389, 15474).

To fix the minimum compensation of certain employees of the United States (H. R. 15467).

To amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928 (H. R. 15853, 16029).

To amend the classification act of 1923, approved March 4, 1923 (H. R. 16168).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

Relating to the enforcement of the contract labor provisions of the immigration act of 1917 (H. J. Res. 312).

EXECUTIVE COMMUNICATIONS, ETC.

745. Under clause 2 of Rule XXIV, a letter from the Public Printer, transmitting annual report of the Public Printer, 1928 (S. Doc. No. 168), was taken from the Speaker's table and referred to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on Appropriations. H. R. 16301. A bill making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2099). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 15721. A bill validating certain applications for and entries of public lands, and for the relief of certain homestead entrymen in the State of Colorado, and for other purposes; without amendment (Rept. No. 2100). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 15724. A bill to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; with amendment (Rept. No. 2101). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. J. Res. 356. A joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; with amendment (Rept. No. 2102). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 15577. A bill to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America; without amendment (Rept. No. 2113). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUSHONG: Committee on Claims. H. R. 15892. A bill for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; with amendment (Rept. No. 2114). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on Irrigation and Reclamation. H. R. 15918. A bill to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes"; without amendment (Rept. No. 2115). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; without amendment (Rept. No. 2116). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 12475. A bill for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; with amendment (Rept. No. 2103). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2659. A bill for the relief of Annie M. Lizenby; with amendment (Rept. No. 2104). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 12548. A bill for the relief of Margaret Vaughn; without amendment (Rept. No. 2105). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 13734. A bill for the relief of James McGourty; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 14728. A bill for the relief of J. A. Smith; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 14897. A bill for the relief of Matthias R. Munson; without amendment (Rept. No. 2108). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 15292. A bill for the relief of the First National Bank of Porter, Okla.; with amendment (Rept. No. 2109). Referred to the Committee of the Whole House.

Mr. ANDREW: Committee on Naval Affairs. S. 3327. An act for the relief of Robert B. Murphy; with amendment (Rept. No. 2110). Referred to the Commitee of the Whole House.

Mr. SCHAFER: Committee on Claims. S. 4454. An act for the relief of Jess T. Fears; without amendment (Rept. No. 2111). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15833) granting a pension to Lizzie Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16267) granting a pension to Harriet I. Van Camp; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 16301) making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MILLER: A bill (H. R. 16302) to extend the time for completing construction of the bridge across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 16303) extending the provisions of the pension laws relating to Indian war veterans to Capt. H. M. Hodgis's company, and for other purposes; to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 16304) authorizing the construction of a canal for the diversion within the city of Klamath Falls, Oreg., of the main canal of the Klamath project; to the Committee on Irrigation and Reclamation.

By Mr. GRIEST: A bill (H. R. 16305) for the relief of present and former postmaster and acting postmaster, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 16306) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BEEDY: A bill (H. R. 16307) to permit the granting of Federal aid in the improvement of highways which lead directly to or from publicly owned bridges which are operated as toll bridges until the cost of their construction is reimbursed; to the Committee on Roads.

By Mr. ADKINS: A bill (H. R. 16308) to provide for a survey of a route for the construction of a highway connecting certain places associated with the life of Abraham Lincoln; to the Committee on Roads.

By Mr. BERGER: A bill (H. R. 16309) providing for the election of Representatives by proportional representation; to the Committee on the Judiciary.

By Mr. GILBERT: A bill (H. R. 16310) to license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any loans, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16311) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 16312) to amend the act approved July 2, 1926 (44 Stat. 784), relating to the procurement of aircraft supplies by the War Department and the Navy Department; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 16313) regulating the payment of pensions to guardians; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 16314) to amend section 198 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 16315) to amend the first subdivision of section 4 of the naturalization act; to the Committee on Immigration and Naturalization.

By Mr. W. T. FITZGERALD: Joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War; to the Committee on Invalid Pensions.

By Mr. CRAIL: Joint resolution (H. J. Res. 380) providing for the placement of ex-service women in the new barracks at Pacific Branch National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KORELL: Joint resolution (H. J. Res. 381) to prohibit the exportation of arms, munitions, or implements of war to nations violating "the pact of Paris"; to the Committee on the Judiciary.

By Mr. FISH: Joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 383) to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at London, England; to the Committee on Foreign Affairs.

By Mr. MAAS: Joint resolution (H. J. Res. 384) to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France; to the Committee on Foreign Affairs.

By Mr. KNUTSON: Joint resolution (H. J. Res. 385) for an economic survey of Porto Rico; to the Committee on Insular Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 386) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929; to the Committee on the District of Columbia.

By Mr. STOBBS: Resolution (H. Res. 288) appointing a special committee from the Judiciary Committee to inquire into the administration of the bankruptcy laws in the southern and eastern judicial districts of the State of New York; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16316) for the relief of Oscar LeGrand; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 16317) granting an increase of pension to Louise C. Staples; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 16318) granting a pension to John O. Vanmeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting an increase of pension to Camila D. Purinton; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16320) for the relief of Charles A. McAndrews; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 16321) granting an increase of pension to Lydia A. Kean; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16322) granting an increase of pension to Jane Smith; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 16323) granting an increase of pension to Carrie E. Keepers; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16324) granting a pension to Charles H. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 16325) granting a pension to Florence Link Stonebarger; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 16326) granting a pension to Maggie L. Gibson; to the Committee on Pensions.

By Mr. HILL of Washington: A bill (H. R. 16327) granting a pension to Felix Shaser; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 16328) for the relief of Frank Woodey; to the Committee on Naval Affairs.

By Mr. HOOPER: A bill (H. R. 16329) for the relief of Verl L. Amsbaugh; to the Committee on Claims.

By Mr. MORTON D. HULL: A bill (H. R. 16330) granting an increase of pension to Catharine M. Bear; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 16331) granting an increase of pension to Olive Dixon; to the Committee on Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16332) granting an increase of pension to Jefferson Jackson; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 16333) granting an increase of pension to Harriet Comfort; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 16334) granting a pension to Alma Kash; to the Committee on Pensions.

Also, a bill (H. R. 16335) granting an increase of pension to William W. Cook; to the Committee on Pensions.

By Mr. LEA: A bill (H. R. 16336) for the relief of Johan Knudsen; to the Committee on Claims.

By Mr. NIEDRINGHAUS: A bill (H. R. 16337) granting a pension to Emma Pierce; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 16338) granting an increase of pension to Agnes Deem; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16339) granting a pension to Sarah E. M. Ferguson; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16340) granting an increase of pension to Elizabeth Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16341) for the relief of Alfred Harris; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 16342) for the relief of Clyde H. Tavenner; to the Committee on Claims.

By Mr. SUMMERS of Washington: A bill (H. R. 16343) granting a pension to Jacob T. Arrasmith; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16344) granting an increase of pension to Margaret A. Rudolph; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8249. By Mr. ABERNETHY: Petition of Ross Giddens, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8250. Also, petition of Col. Edgar Bain, president of Kiwanis Club, Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8251. Also, petition of Roy Armstrong, superintendent of city schools, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8252. Also, petition of J. T. Jerome, superintendent of county schools, Wayne County, N. C., in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8253. By Mr. BOYLAN: Resolution adopted by New York Commandery of the Naval Order of the United States, favoring the naval cruiser bill; to the Committee on Naval Affairs.

8254. Also, petition from veterans at Castle Point Hospital No. 98, Castle Point, N. Y., requesting legislation favoring compensation for veterans suffering with tuberculosis; to the Committee on World War Veterans' Legislation.

8255. Also, resolution adopted by the West Point Society of New York, favoring the Black-Wainwright bill (S. 3089 and H. R. 13509); to the Committee on Military Affairs.

8256. By Mr. CONNERY: Resolution of Local No. 3, Amalgamated Lithographers of America; to the Committee on Ways and Means.

8257. By Mr. CRAIL: Petition of Roosevelt Auxiliary, No. 5, United Spanish War Veterans, of Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on World War Veterans' Legislation.

8258. By Mr. EVANS of California: Petition of Roy Smith, of Glendale, Calif., and 85 others, in support of restrictive immigration, known as the Box bill; to the Committee on Immigration and Naturalization.

8259. By Mr. GOLDSBOROUGH: Petition of Dorchester Post, No. 91, Department of Maryland, American Legion, favoring the World War veterans' act and amendments thereto requiring that compensation shall be granted only in cases where the death or disability can be shown to have been incident to the service; to the Committee on World War Veterans' Legislation.

8260. By Mr. MEAD: Petition of New York Commandery of the Naval Order of the United States, indorsing the cruiser bill; to the Committee on Naval Affairs.

8261. By Mr. MILLER: Memorial of senate and house, State legislature, State of Washington, memorializing the Congress of the United States to pass adequate legislation for a protective tariff on lumber and shingles; to the Committee on Ways and Means.

8262. By Mr. O'CONNELL: Petition of the New York Commandery of the Naval Order of the United States, favoring the construction of the 15 cruisers; to the Committee on Naval Affairs.

8263. Also, petition of the Indian Rights Association of Philadelphia, favoring the passage of House Joint Resolution 374, for investigation of Indian affairs; to the Committee on Rules.

8264. Also, petition of Richard G. Krueger, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8265. Also, petition of Barron G. Collier, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8266. Also, petition of the Darlington Fabrics Corporation, of New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8267. Also, petition of the Corticelli Silk Co., of New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8268. Also, petition of F. G. Montabert Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8269. By Mr. QUAYLE: Petition of National Beauty and Barbers Supply Dealers' Association, of New York, N. Y., favoring the passage of the Capper-Kelly bill (H. R. 11 and S. 1418) known as the fair trade bill; to the Committee on Interstate and Foreign Commerce.

8270. Also, petition of West Point Society of New York, favoring the passage of Senator Black's bill (S. 3089) and the Wainwright bill (H. R. 13509) as amended by Congressman McSWAIN; to the Committee on Military Affairs.

8271. Also, petition of New York Commandery of the Naval Order of the United States, favoring the passage of the cruiser bill; to the Committee on Naval Affairs.

8272. Also, petition of Dixie Post No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

8273. Also, petition of the Corticelli Silk Co., of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8274. Also, petition of Darlington Fabrics Corporation, of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8275. Also, petition of F. G. Montabert Co., of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8276. Also, petition of Barron G. Collier (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8277. Also, petition of I. Mittlemann & Co. (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8278. Also, petition of Richard G. Krueger (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8279. Also, petition of Edmund Wright-Ginsberg Co. (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8280. Also, petition of the Magee Carpet Co., of Bloomsburg, Pa., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8281. Also, petition of New York Zoological Society of New York City, urging the passage of a Senate bill to acquire areas of land and water which may furnish perpetual reservations to aid in the adequate preservation of migratory game birds; to the Committee on Agriculture.

8282. By Mr. WYANT: Petition of Marilao Auxiliary No. 33, Veterans of Foreign Wars, advocating passage of House bill 9138; to the Committee on Pensions.

SENATE

THURSDAY, *January 17, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who art from everlasting to everlasting, ancient of days yet ever new; all things wax old as doth a garment, but Thou art the same and Thy years shall not fail.

Thou hast made us heirs of all the ages as we stand at the confluence of time. Show us, therefore, how we may better serve Thee with what we have, and help us to serve Thee further by patience amid our disabilities.

Look down with pity upon all who are stricken by grief; remember those in pain who must so soon take up again their weary burdens, and grant that in this new day each child of Thine, finding something of the comfort of Thy love, may give thanks unto Thee, whose mercy endureth forever. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., with amendments, in which it requested the concurrence of the Senate.